

City of Wimberley

221 Stillwater, P.O. Box 2027, Wimberley, Texas 78676

REGULAR CITY COUNCIL MEETING
JOHNSON HALL – WIMBERLEY COMMUNITY CENTER
14068 RANCH ROAD 12, WIMBERLEY, TEXAS
JUNE 16, 2016 - 6:00 P.M.

AGENDA

CALL TO ORDER JUNE 16, 2016 @ 6:00 P.M.

CALL OF ROLL CITY SECRETARY

INVOCATION

PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

PROCLAMATION

PRESENTATION OF PROCLAMATIONS RECOGNIZING INDIVIDUALS, BUSINESSES AND ORGANIZATIONS FOR THEIR EFFORTS IN RESPONSE TO THE FLOODS OF 2015 IN WIMBERLEY, TEXAS

CITIZENS COMMUNICATIONS

THE CITY COUNCIL WELCOMES COMMENTS FROM CITIZENS ON ISSUES AND ITEMS OF CONCERN, NOT ON THIS AGENDA. THOSE WISHING TO SPEAK MUST SIGN IN BEFORE THE MEETING BEGINS AND OBSERVE A THREE-MINUTE TIME LIMIT WHEN ADDRESSING COUNCIL. SPEAKERS WILL HAVE ONE OPPORTUNITY TO SPEAK DURING THE TIME PERIOD. SPEAKERS DESIRING TO SPEAK ON AN AGENDA ITEM WILL BE ALLOWED TO SPEAK WHEN THE AGENDA ITEM IS CALLED. INQUIRIES ABOUT MATTERS NOT LISTED ON THE AGENDA WILL EITHER BE DIRECTED TO STAFF OR PLACED ON A FUTURE AGENDA FOR COUNCIL CONSIDERATION.

1. CONSENT AGENDA

THE FOLLOWING ITEMS MAY BE ACTED UPON IN ONE MOTION. NO SEPARATE DISCUSSION OR ACTION IS NECESSARY UNLESS REQUESTED BY A COUNCIL MEMBER OR CITIZEN, IN WHICH EVENT THOSE ITEMS WILL BE PULLED FROM THE CONSENT AGENDA FOR SEPARATE CONSIDERATION.

- (A) APPROVAL OF MINUTES OF THE REGULAR CITY COUNCIL MEETING OF JUNE 2, 2016

- (B) APPROVAL OF MINUTES OF THE SPECIAL CITY COUNCIL MEETING OF MAY 31, 2016.
- (C) APPROVAL OF THE APPOINTMENT OF NATALIE MEEKS TO THE CITY OF WIMBERLEY PLANNING AND ZONING COMMISSION. (*MAYOR MAC MCCULLOUGH'S CONSENSUS NOMINEE*)
- (D) APPROVAL OF THE REAPPOINTMENT OF BERT RAY TO THE CITY OF WIMBERLEY TRANSPORTATION ADVISORY BOARD. (*PLACE FOUR COUNCIL MEMBER GARY BARCHFELD'S NOMINEE*)
- (E) APPROVAL OF THE APPOINTMENT OF GARY PIGG TO THE CITY OF WIMBERLEY PARKS ADVISORY BOARD. (*PLACE THREE COUNCIL MEMBER SALLY TRAPP'S NOMINEE*)
- (F) APPROVAL OF THE APPOINTMENT OF GAIL PIGG TO THE CITY OF WIMBERLEY PLANNING AND ZONING COMMISSION. (*PLACE THREE COUNCIL MEMBER SALLY TRAPP'S NOMINEE*)
- (G) APPROVAL OF THE APPOINTMENT OF MARY KATE BROWN TO THE CITY OF WIMBERLEY WATER/WASTEWATER ADVISORY BOARD. (*PLACE THREE COUNCIL MEMBER SALLY TRAPP'S NOMINEE*)

2. **PRESENTATION**

PRESENTATION OF A GRANT FROM THE *FRIENDS OF BLUE HOLE* AND THE *WIMBERLEY CIVIC CLUB* TO FUND NATURE CAMP AND PROGRAM EQUIPMENT FOR THE BLUE HOLE REGIONAL PARK. (*FRIENDS OF BLUE HOLE*)

3. **CITY ADMINISTRATOR REPORT**

- STATUS REPORT ON THE CENTRAL WIMBERLEY WASTEWATER PROJECT
- STATUS REPORT ON THE RIVER ROAD BANK RESTORATION PROJECT
- STATUS REPORT ON SALES TAX COLLECTIONS FOR THE CITY OF WIMBERLEY
- STATUS REPORT ON OPERATION OF THE BLUE HOLE REGIONAL PARK
- STATUS REPORT ON 2015 FLOOD RECOVERY

4. **RESOLUTION**

CONSIDER APPROVAL OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WIMBERLEY, TEXAS DECLARING THE CITY OF WIMBERLEY'S INTENT TO CONSTRUCT A WASTEWATER SYSTEM TO SERVE THE CENTRAL WIMBERLEY AREA. (*MAYOR MAC MCCULLOUGH*)

5. **PUBLIC HEARINGS AND CONSIDER ACTION**

- (A) HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY KELVIN AND BRENDA ADAMS TO PERMIT A SECONDARY

SINGLE FAMILY RESIDENTIAL STRUCTURE ON AN 8 ACRE TRACT LOCATED AT 406 HOOTS HOLLER ROAD, WIMBERLEY, HAYS COUNTY, TEXAS, ZONED RESIDENTIAL ACREAGE (RA); AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS. *(KELVIN AND BRENDA ADAMS, APPLICANTS)*

- (B) HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY RANDALL SMITH TO OPERATE A VACATION RENTAL FACILITY ON PROPERTY LOCATED AT 261 PANTHER CROSSING, WIMBERLEY, HAYS COUNTY, TEXAS, ZONED RESIDENTIAL ACREAGE (RA), AND IMPOSING CERTAIN CONDITIONS; AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS. *(RANDALL SMITH, APPLICANT)*
- (C) HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS AMENDING ORDINANCE NO. 2009-056, WHICH GRANTED AN APPLICATION FOR A CONDITIONAL USE PERMIT TO ALLOW FOR THE OPERATION OF A BAR/TAVERN ON PROPERTY LOCATED AT 314 WIMBERLEY SQUARE, WIMBERLEY, HAYS COUNTY, TEXAS, IN ORDER TO AMEND THE SITE PLAN; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; SEVERABILITY; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING. *(CLAIMS PROCESSING SOLUTIONS/DBA THE OLD MILL STORE, APPLICANT)*
- (D) HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF AN ORDINANCE OF THE CITY OF WIMBERLEY, AMENDING SECTION 155 (ZONING), APPENDIX F, OF THE CODE OF WIMBERLEY, DESIGNATING GEOGRAPHIC BOUNDARIES FOR A PARTICULAR ZONING DISTRICT AND CLASSIFICATION FOR PROPERTY LOCATED AT 703 FM 2325, WIMBERLEY, HAYS COUNTY, TEXAS, DESIGNATING SUCH PROPERTY FROM COMMERCIAL-LOW IMPACT (C-1) TO COMMERCIAL-MODERATE IMPACT (C-2); AND PROVIDING FOR THE FOLLOWING: DELINEATION ON ZONING MAP; SEVERABILITY; EFFECTIVE DATE AND PROPER NOTICE AND MEETING. *(TEXAN CAR WASH, LLC, APPLICANT)*
- (E) HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY TEXAN CAR WASH, LLC TO ALLOW FOR THE OPERATION OF A DRIVE IN/DRIVE-THROUGH CAR WASH FACILITY ON PROPERTY LOCATED AT 703 FM 2325, WIMBERLEY, HAYS COUNTY, TEXAS, ZONED COMMERCIAL-MODERATE IMPACT (C-2), AND IMPOSING CERTAIN CONDITIONS; AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS. *(TEXAN CAR WASH, LLC, APPLICANT)*

6. DISCUSSION AND POSSIBLE ACTION

- (A) DISCUSS AND CONSIDER ACTION REGARDING THE PROPOSED FISCAL YEAR 2017 BUDGET PREPARATION CALENDAR. (CITY ADMINISTRATOR)
- (B) DISCUSS AND CONSIDER POSSIBLE ACTION REGARDING THE PROPOSED DEVELOPMENT OF REGULATIONS RELATING TO THE OPERATION OF GOLF CARTS AND NEIGHBORHOOD ELECTRIC VEHICLES ON CITY STREETS. (PLACE THREE COUNCIL MEMBER SALLY TRAPP)
- (C) DISCUSS AND CONSIDER POSSIBLE ACTION REGARDING A PROPOSAL TO TEMPORARILY LEASE AND OPERATE A RESTROOM TRAILER FOR A PUBLIC RESTROOM ON THE WIMBERLEY SQUARE AND AUTHORIZING A BUDGET AMENDMENT FOR SUCH. (MAYOR MAC MCCULLOUGH)

7. CITY COUNCIL REPORTS

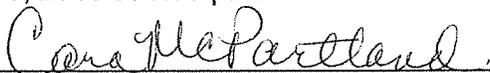
- ANNOUNCEMENTS
- FUTURE AGENDA ITEMS

ADJOURNMENT

THE CITY COUNCIL MAY RETIRE INTO EXECUTIVE SESSION AT ANY TIME BETWEEN THE MEETING'S OPENING AND ADJOURNMENT FOR THE PURPOSE OF DISCUSSING ANY MATTERS LISTED ON THE AGENDA AS AUTHORIZED BY THE TEXAS GOVERNMENT CODE INCLUDING, BUT NOT LIMITED TO, HOMELAND SECURITY PURSUANT TO CHAPTER 418.183 OF THE TEXAS LOCAL GOVERNMENT CODE; CONSULTATION WITH LEGAL COUNSEL PURSUANT TO CHAPTER 551.071 OF THE TEXAS GOVERNMENT CODE; DISCUSSION ABOUT REAL ESTATE ACQUISITION PURSUANT TO CHAPTER 551.072 OF THE TEXAS GOVERNMENT CODE; DISCUSSION OF PERSONNEL MATTERS PURSUANT TO CHAPTER 551.074 OF THE TEXAS GOVERNMENT CODE; DELIBERATIONS ABOUT GIFTS AND DONATIONS PURSUANT TO CHAPTER 551.076 OF THE TEXAS GOVERNMENT CODE; DISCUSSION OF ECONOMIC DEVELOPMENT PURSUANT TO CHAPTER 551.087 OF THE TEXAS GOVERNMENT CODE; ACTION, IF ANY, WILL BE TAKEN IN OPEN SESSION.

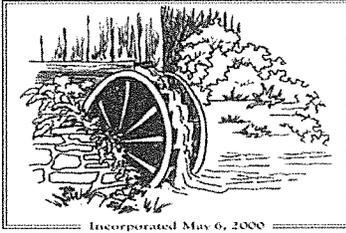
CERTIFICATION

I hereby certify the above Notice of Meeting was posted on the Bulletin Board at the Wimberley City Hall on June 9, 2016 at 8:30 p.m.



Cara McPartland, Assistant City Administrator/City Secretary

The City of Wimberley is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please contact Don Ferguson, City Administrator, at (512) 847-0025 for information. Hearing-impaired or speech-disabled persons equipped with telecommunication devices for the deaf may call (512) 272-9116 or may utilize the stateside Relay Texas Program at 1-800-735-2988.



City of Wimberley

221 Stillwater, P.O. Box 2027, Wimberley, Texas 78676

REGULAR CITY COUNCIL MEETING
WIMBERLEY COMMUNITY CENTER – CITY COUNCIL CHAMBERS
14068 RANCH ROAD 12, WIMBERLEY, TEXAS
JUNE 16, 2016 – 6:00 P.M.

ADDENDUM TO AGENDA

1. CONSENT AGENDA

- (H) APPROVAL OF THE APPOINTMENT OF REBECCA MINNICK TO THE CITY OF WIMBERLEY BOARD OF ADJUSTMENT. *(PLACE THREE COUNCIL MEMBER SALLY TRAPP'S NOMINEE)*

- (I) APPROVAL OF THE APPOINTMENT OF LEIGH PETERSON TO THE CITY OF WIMBERLEY PARKS ADVISORY BOARD. *(PLACE FOUR COUNCIL MEMBER GARY BARCHFELD'S NOMINEE)*

CERTIFICATION

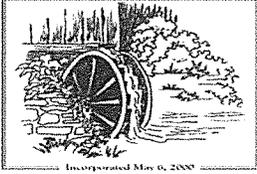
I hereby certify the above Addendum to Agenda was posted on the Bulletin Board at the City of Wimberley City Hall on June 13, 2016 at 5:45 p.m.



Cara McPartland, Assistant City Administrator/City Secretary

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City Council Agenda Form



Date Submitted: June 9, 2016

Agenda Date Requested: June 16, 2016

Project/Proposal Title: APPROVAL OF JUNE 2,
2016 MINUTES OF REGULAR CITY COUNCIL
MEETING

Funds Required:

Funds Available:

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to consider approving the minutes for the June 2, 2016 Regular City Council Meeting.

City of Wimberley
City Hall
221 Stillwater
Wimberley, Texas 78676
Minutes of Regular Meeting of City Council
June 2, 2016 at 6:00 p.m.

City Council meeting called to order at 6:00 p.m. by Mayor Mac McCullough.

Mayor McCullough gave the Invocation and Councilmembers led the Pledge of Allegiance to the United States and Texas flags.

Councilmembers Present: Mayor Mac McCullough, Councilmembers Bob Dussler, Craig Fore, Sally Gibson Trapp, Gary Barchfeld, and John White

Staff Present: City Administrator Don Ferguson & City Secretary Cara McPartland

Proclamation

Proclamation of the City Council of the City of Wimberley, Texas recognizing the 30th Anniversary of the Senior Citizens Craft Shop of Wimberley

Mayor McCullough presented the proclamation to Craft Shop representatives who expressed appreciation to Council.

Citizens Communications

No citizen comments were heard.

1. Consent Agenda

- A. Approval of minutes of the Regular City Council meeting of May 19, 2016
- B. Approval of the appointment of Rebecca McCullough to the City of Wimberley Planning and Zoning Commission. (*Place Four Councilmember Gary Garchfeld's nominee*)
- C. Approval of the appointment of John Espinoza to the City of Wimberley Planning and Zoning Commission. (*Mayor Mac McCullough's nominee*)
- D. Approval of the appointment of one (1) consensus member to the City of Wimberley Planning and Zoning Commission. (*Mayor Mac McCullough*)

Mayor McCullough pulled Consent Agenda Item 1D.

Councilmember Trapp moved to approve Consent Agenda Item 1A, as presented. Councilmember White seconded. Motion carried on a vote of 5-0.

Councilmember Barchfeld noted his support for nominee Rebecca McCullough, who is not related to Mayor McCullough, and highlighted her professional background. He thanked the Planning and Zoning Commission members for their service.

Nominee John Espinoza spoke briefly of his background and qualifications.

Councilmember White moved to approve remaining Consent Agenda Items 1B and 1C, as presented. Councilmember Trapp seconded. Motion carried on a vote of 5-0.

Mayor McCullough administered the oath of office to newly appointed Planning and Zoning Commissioner John Espinoza.

2. City Administrator Report

- Status report on the Central Wimberley Wastewater Project

City Administrator Ferguson reported that the Ad Hoc Wastewater Review Committee is holding its third meeting and working diligently. He stressed that the design work on the wastewater project is continuing. He stated that the City's permit approval should be on next week's Texas Commission on Environmental Quality (TCEQ) meeting agenda. He anticipated permit issuance within the next ten (10) days.

- Status report on proposed changes to the term lengths for members of the Planning and Zoning Commission

City Administrator Ferguson reported on term length staggering, posting/publication of the proposed change, and timeframe for public hearings.

- Status report on the upcoming meeting regarding the planned reconstruction of the Hidden Valley low water crossing

City Administrator Ferguson reported that an on-site meeting with Council, project engineers, and residents is scheduled for Wednesday, June 8, 2016 at 6 p.m. in the Hidden Valley neighborhood. Discussion established that insurance proceeds will fund this project.

- Status report on hotel occupancy tax collections for the City of Wimberley

City Administrator Ferguson reported that \$88,119 has been collected to date. He noted that collections are kept in a separate account and not commingled with other funds.

- Status report on plans for a recognition ceremony for 2015 flood volunteers

City Administrator Ferguson reported that Mayor McCullough is working on plans for a reception to be held immediately prior to Council's next meeting on June 16th, and asked for input on names to be added to the invitation list.

- Status report on operation of the Blue Hole Regional Park

City Administrator Ferguson reported that Park Manager Lauren Shrum has accepted a position with the City of Schertz and noted that applications are being accepted for her replacement. He advised the swimming area has been subject to closures recently due to inclement weather.

- Status report on 2015 Flood Recovery

City Administrator Ferguson anticipated closing out of FEMA paperwork on the Memorial Day Weekend 2015 and October 2015 floods, including some leftover items from the October 2013 flood event. He provided details on the River Road Restoration Project, including specific design features and an alternative approach to present to neighborhood residents. He noted other River Road issues such as possible road closures and speed humps. He stated a written emergency response plan is being drafted for future Council review and advised that the community will be surveyed for input on the plan. A meeting on the proposed emergency response plan is scheduled for Wednesday, June 15th at the Wimberley Community Center.

In addition, City Administrator Ferguson reported on the possible creation of Emergency Services District No. 9 (ESD No. 9) and reviewed previous Council discussion on this issue. He advised that all parties have agreed on proposed boundaries and noted Wimberley ESD plans to hold an election on boundary expansion and initiate a significant public education effort. He asked Council to express its preference for participation in the annual Fourth of July parade. General agreement was reached on Council's participation in the parade, with details to be worked out later.

Mayor McCullough stated that Council's meeting on Tuesday, May 31st at Alan Plummer Associates was very productive and spoke on a possible alternative discharge option that was brought up at the meeting. Councilmember Barchfeld felt the discharge option related to Aqua Texas is an example of a good idea that can come from review of the wastewater project.

3. Public Hearing and Consider Action

Hold a public hearing and consider approval of the proposed Preliminary Plat of 11.29 acres establishing Lots 1, 2, 3 and 4 of the *Hacienda del Cielo Subdivision* located off West Spoke Hill Road, Wimberley, Hays County, Texas, and related variance requests from the City Subdivision Code requirements relating to lot shape and lot width and depth. *(City Administrator)*

City Administrator Ferguson reviewed the proposed Plat to subdivide an 11.29 acre tract into four (4) lots, two of which are flag-shaped lots. He advised the area of the proposed lots is as follows: Lot 1 – 2.06 acres; Lot 2 – 4.57 acres; Lot 3 – 2.64 acres; and Lot 4 – 2.02 acres. He noted that each lot has frontage along a fifty foot (50') road easement and within city limits. He stated the proposed subdivision will require that each of the four (4) newly created lots be rezoned to Rural Residential 1 (R-1) from the subject property's current Residential Acreage (RA) zoning. He noted that water/wastewater will be provided by on-site groundwater wells and on-site sewerage facilities, respectively. He advised that due to the existing size and slope of the

parent tract the applicant is unable to meet City Code requirements relating to lot shape and lot width and depth. He reported that the Planning and Zoning Commission held a public hearing on May 26, 2016 and recommended approval of the Plat and associated variances, including the addition of a restrictive covenant allowing access to Lot 2 from the driveway of Lot 3 in the proposed subdivision.

No public comments were heard.

The subject property owner, John Leckenby, stated that he was pleased with the Planning and Zoning Commission's recommendation.

Discussion addressed concerns expressed by neighbors regarding access and resolution of those concerns among the subject property owner and neighbors.

Councilmember White moved to approve the Preliminary Plat and associated variances, including the aforementioned restrictive covenant, as presented. Councilmember Trapp seconded. Motion carried on a vote of 5-0.

4. Ordinance

Consider approval of an ordinance amending Chapter 33 (Boards and Commissions), by adding Section 33.05 (Budget Advisory Board) of the Code of Ordinances of the City of Wimberley, Texas, in order to establish the Budget Advisory Board and provide for the duties, appointment, and removal of Board members; and providing for findings of fact; an effective date; proper notice and meeting, and severability. (*Mayor Mac McCullough*)

Mayor McCullough pulled this item from consideration at this time.

5. Discussion and Possible Action

- A. Discuss and consider possible action regarding a proposed Hotel Occupancy Tax Funding Application Form along with proposed revisions to the *Hotel Occupancy Tax Committee Responsibilities, Accountabilities, Authorities and Guidelines*. (*Hotel Occupancy Tax Committee*)

Hotel Occupancy Tax Advisory Committee representative Lois Mahoney spoke on the Committee's support of responsible tourism in Wimberley, presented the Committee's proposed revisions, and recommended Council approval.

Discussion addressed branding/image issues, anticipated timeframe for submission of funding applications, review of the Hotel Occupancy Tax program in three (3) years, and specifics on disbursement of funds, including performance tests.

Hotel Occupancy Tax Committee member Dan Sturdivant recommended Council's approval of the Committee's proposed form and revisions in order for the Committee to proceed as planned.

Councilmember Barchfeld moved to approve the proposed Hotel Occupancy Tax Funding Application Form, along with proposed revisions to the *Hotel Occupancy Tax Committee Responsibilities, Accountabilities, Authorities and Guidelines*, as presented. Councilmember White seconded. Motion carried on a vote of 5-0.

- B. Discuss and consider possible action regarding the proposed action regarding the proposed development of regulations relating to the operation of golf carts and neighborhood electric vehicles on City streets. *(Place Three Councilmember Sally Trapp)*

Councilmember Trapp pulled this item to be considered at a later date.

- C. Discuss and consider possible action regarding the proposed modifications to the City of Wimberley's requirements relating to the keeping of chickens. *(Place Three Councilmember Sally Trapp)*

Councilmember Trapp pulled this item to be considered at a later date.

- D. Discuss and consider possible action regarding proposed changes in the posting dates for City Council meetings. *(Place Two Councilmember Craig Fore)*

Councilmember Fore recommended posting Council agendas one (1) week prior to the meeting date to allow for additional time for review of upcoming agenda items.

Discussion addressed possible posting dates, reasoning for holding two (2) Council meetings per month, and Council's ability to modify its meeting schedule, if desired. Mayor McCullough and City Administrator Ferguson briefly discussed building a list of agenda recipients.

Councilmember Trapp moved to approve changing the posting dates for City Council meeting agendas, as proposed by Councilmember Fore's aforementioned recommendation. Councilmember White seconded. Motion carried on a vote of 5-0.

City Administrator Ferguson advised a calendar on the revised posting schedule will be drafted and provided to Council.

- E. Discuss and consider possible action regarding a proposal to lease and operate a restroom trailer for a public restroom on the Wimberley Square and authorizing such a budget amendment. *(Mayor Mac McCullough)*

Mayor McCullough pulled this item from consideration at this time.

- F. Discuss and consider possible action setting the date, time and place for a City Council Goals and Priorities Workshop. *(City Administrator)*

City Administrator Ferguson reviewed past workshop dates/times/locations and asked for Council's input on possible options.

Discussion addressed possible dates/times/locations and favored use of the Blue Hole Regional Park Pavilion on July 6, 2016 from 9 a.m. to 2 p.m.

Councilmember Barchfeld moved to approve scheduling the workshop for July 6, 2016 from 9 a.m. to 2 p.m. at the Blue Hole Regional Park Pavilion. Councilmember Fore seconded. Motion carried on a vote of 5-0.

- G. Discuss and consider possible action appointing members to the City of Wimberley Budget Advisory Board. (*City Administrator*)

Mayor McCullough pulled this item from consideration at this time.

- H. Discuss and consider possible action regarding a proposal to establish a recognition process for outgoing members of City boards and commissions. (*Place Two Councilmember Craig Fore*)

Councilmember Fore proposed sending a letter of appreciation and a certificate of recognition for outgoing board/commission members to honor their service and improve communications among the City and members on their status on various boards/commissions.

Discussion addressed the need to improve communication regarding current/outgoing memberships and levels of recognition for varying lengths of service.

Councilmember White moved to authorize staff to proceed with establishment of a recognition process to include a letter of recognition and certificate of service for outgoing board/commission members. Councilmember Trapp seconded. Motion carried on a vote of 5-0.

- I. Discuss and consider possible action regarding a request to reduce or waive the Wimberley Community Center rental fees for the upcoming *Wimberley Book Festival* on June 11, 2016. (*City Administrator*)

City Administrator Ferguson provided details on the *Wimberley Book Festival*, which organizers hope will become an annual event. He noted that rental fees total \$900 (\$600 rental fee plus \$300 supplemental charges) and advised that should a waiver/reduction be granted, Council must cite that such waiver/reduction serves a public purpose.

Madonna Kimball spoke on the Texas Authors Association and other book festivals throughout the state. She noted that festival-goers will likely be staying overnight, which will help bring revenue to the City via tax revenues. She hoped the festival will become an annual event.

Discussion addressed prior fee waiver requests and subsequent Council actions, anticipated attendance, documenting the event's positive economic impact on the City, dealing with possible future waiver requests, and clearly stating a public purpose for waiving fees. City Administrator Ferguson advised that Council may waive all or part of the fees, if so desired.

Councilmember White moved to approve waiving the \$300 in supplemental fees and reducing the \$600 rental fee to \$400, for a total of \$500 in fee waivers, with the waiver/reduction serving a public purpose. Councilmember Barchfeld seconded. Motion carried on a vote of 5-0.

- J. Discuss and consider issues relating to all current City projects and efforts. (*Mayor McCullough; no action to be taken*)

City Administrator Ferguson gave a presentation listing capital and non-capital projects, including:

- Central wastewater system
- River Road restoration
- Hidden Valley low water crossing reconstruction
- Various street improvements
- Stadium Drive development
- Blue Hole Regional Park maintenance building
- FM 3237/Ranch Road 12 intersection improvements
- Little Arkansas low water crossing
- Downtown sidewalk development
- Oak Drive parking lot improvements
- Wayfinding signage
- City Code update
- Building Code review and update
- Zoning/Subdivision Code review and update
- Re-assessment of street conditions

City Administrator Ferguson noted other projects, such as a comprehensive drainage study, various improvements to City Hall/City Council chambers, building permit tracking software, City website improvements, use of social media, implementation of unit bid pricing, and possible consolidation of services, such as municipal court operations, with the City of Woodcreek. Mayor McCullough and City Administrator Ferguson discussed the role and possible partnership with the City's contract inspection firm (ATS Engineering) on providing improved methods of tracking the building permit process. Other subjects discussed were school zone relocations, South River Business Park road transfer from private to public ownership, re-designation of Ranch Road 12, Junction right-of-way improvement project, FM 1492 signage improvements, and "hands-free" signage.

No action was taken.

- K. Discuss and consider possible action regarding a proposal to authorize an individual assistant for the Mayor and City Administrator at no cost to the City. (*Mayor McCullough*)

Mayor McCullough pulled this item from consideration at this time.

- L. Discuss and consider possible action regarding the City of Wimberley building permit process. (*Mayor Mac McCullough*)

City Administrator Ferguson provided information on types of building permits and timeframes for approval. Mayor McCullough said most contractors are used to an automated process and felt that ATS should provide an automated system, without the City having to purchase software. City Administrator Ferguson noted current ATS procedures and stated the City and ATS can work together to merge information that would streamline the process. He cited approximate timeframes for approval of various types of building permits.

No action was taken.

6. City Council Reports

- Announcements
- Future Agenda Items

Hearing no announcements or future agenda items, Mayor McCullough called the meeting adjourned.

Adjournment: Council meeting adjourned at 8:00 p.m.

Recorded by:

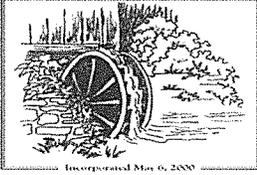
Cara McPartland

These minutes approved on the ___ of June, 2016.

APPROVED:

Herschel "Mac" McCullough, Mayor

City Council Agenda Form



Date Submitted: June 9, 2016

Agenda Date Requested: June 16, 2016

Project/Proposal Title: APPROVAL OF MAY 31, 2016 MINUTES OF SPECIAL CITY COUNCIL MEETING

Funds Required:

Funds Available:

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to consider approving the minutes for the May 31, 2016 Special City Council Meeting.

City of Wimberley
Offices of Alan Plummer Associates, Inc.
6300 La Calma Drive, Suite #400
Austin, Texas
Minutes of Special Meeting of City Council
May 31, 2016 at 9:30 a.m.

City Council meeting called to order at 9:30 a.m. by Mayor Mac McCullough.

Councilmembers Present: Mayor Mac McCullough and Councilmembers, Bob Dussler, Craig Fore, Sally Gibson Trapp, Gary Barchfeld, and John White.

Staff Present: City Administrator Don Ferguson

Workshop Session

Discuss issues relating to the design of the Central Wimberley Wastewater System

Steve Coonan of Alan Plummer Associates, Inc. briefed Council members on the design of the Central Wimberley Wastewater System.

Adjourn

Mayor McCullough called the meeting adjourned at 11:45 a.m.

Recorded by:

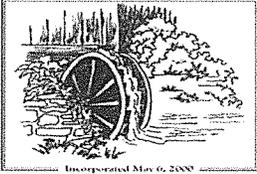
Cara McPartland

These minutes approved on the ____ of June, 2016.

APPROVED:

Herschel "Mac" McCullough, Mayor

City Council Agenda Form



Date Submitted: June 9, 2016

Agenda Date Requested: June 16, 2016

Project/Proposal Title: APPROVAL OF THE APPOINTMENT OF ONE (1) CONSENSUS APPOINTMENT TO THE CITY OF WIMBERLEY PLANNING AND ZONING COMMISSION

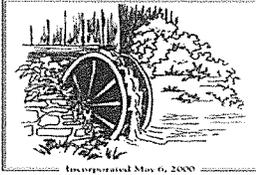
Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda by Mayor Mac McCullough to allow City Council to discuss and consider approval of the appointment of Natalie Meeks to the City of Wimberley Planning and Zoning Commission. If approved, Ms. Meeks will hold the consensus position on the Commission.

City Council Agenda Form



Date Submitted: June 9, 2016

Agenda Date Requested: June 16, 2016

Project/Proposal Title: APPROVAL OF THE REAPPOINTMENT OF BERT RAY TO THE CITY OF WIMBERLEY TRANSPORTATION ADVISORY BOARD

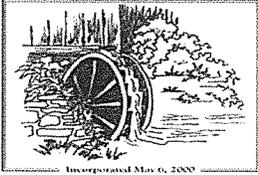
Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda by Place Four Council Member Gary Barchfeld to allow City Council to discuss and consider approval of the reappointment of Bert Ray to the City of Wimberley Transportation Advisory Board. Mr. Ray is Council Member Barchfeld's nominee to the Board.

City Council Agenda Form



Date Submitted: June 9, 2016

Agenda Date Requested: June 16, 2016

Project/Proposal Title: APPROVAL OF THE
APPOINTMENT OF GARY PIGG TO THE CITY
OF WIMBERLEY PARKS ADVISORY BOARD

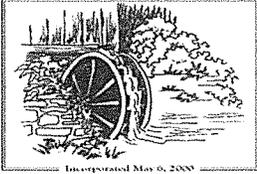
Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda by Place Three Council Member Sally Trapp to allow City Council to discuss and consider approval of the appointment of Gary Pigg to the City of Wimberley Parks Advisory Board. Mr. Pigg is Council Member Trapp's nominee to the Board.

City Council Agenda Form



Date Submitted: June 9, 2016

Agenda Date Requested: June 16, 2016

Project/Proposal Title: APPROVAL OF THE APPOINTMENT OF GAIL PIGG TO THE CITY OF WIMBERLEY PLANNING AND ZONING COMMISSION

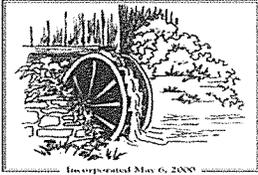
Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda by Place Three Council Member Sally Trapp to allow City Council to discuss and consider approval of the appointment of Gail Pigg to the City of Wimberley Planning and Zoning Commission. Ms. Pigg is Council Member Trapp's nominee to the Commission.

City Council Agenda Form



Date Submitted: June 9, 2016

Agenda Date Requested: June 16, 2016

Project/Proposal Title: APPROVAL OF THE APPOINTMENT OF MARY KATE BROWN TO THE CITY OF WIMBERLEY WATER/WASTEWATER ADVISORY BOARD

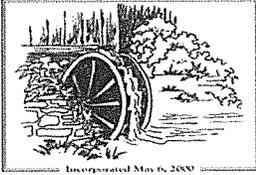
Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda by Place Three Council Member Sally Trapp to allow City Council to discuss and consider approval of the appointment of Mary Kate Brown to the City of Wimberley Water/Wastewater Advisory Board. Ms. Brown is Council Member Trapp's nominee to the Board.

City Council Agenda Form



Date Submitted: June 13, 2016

Agenda Date Requested: June 16, 2016

Project/Proposal Title: APPROVAL OF THE
APPOINTMENT OF REBECCA MINNICK TO THE
CITY OF WIMBERLEY BOARD OF ADJUSTMENT

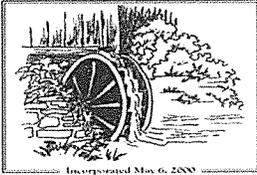
Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda by Place Three Council Member Sally Trapp to allow City Council to discuss and consider approval of the appointment of Rebecca Minnick to the City of Wimberley Board of Adjustment. Ms. Minnick is Council Member Trapp's nominee to the Board.

City Council Agenda Form



Date Submitted: June 13, 2016

Agenda Date Requested: June 16, 2016

Project/Proposal Title: APPROVAL OF THE APPOINTMENT OF LEIGH PETERSON TO THE CITY OF WIMBERLEY PARKS ADVISORY BOARD

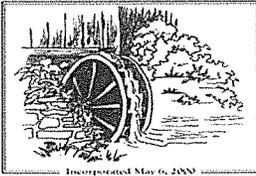
Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda by Place Four Council Member Gary Barchfeld to allow City Council to discuss and consider approval of the appointment of Leigh Peterson to the City of Wimberley Parks Advisory Board. Ms. Peterson is Council Member Barchfeld's nominee to the Board.

City Council Agenda Form



Date Submitted: June 9, 2016

Agenda Date Requested: June 16, 2016

Project/Proposal Title: PRESENTATION OF A GRANT FROM THE FRIENDS OF BLUE HOLE AND WIMBERLEY CIVIC CLUB

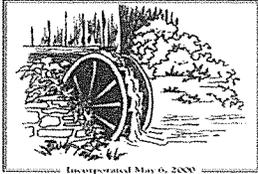
Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow for the presentation of a grant from the Friends of Blue Hole and the Wimberley Civic Club to help fund nature camp and program equipment for the Blue Hole Regional Park.

City Council Agenda Form



Date Submitted: June 9, 2016

Agenda Date Requested: June 16, 2016

Project/Proposal Title: CITY ADMINISTRATOR'S REPORT

Funds Required:
Funds Available:

Council Action Requested:

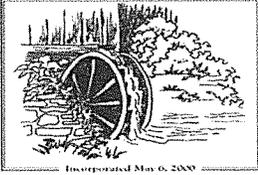
- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

The City Administrator will present a report on the following items:

- Status report on the Central Wimberley Wastewater Project
- Status report on the River Road Bank Restoration Project
- Status report on sales tax collections for the City of Wimberley
- Status report on the operation of the Blue Hole Regional Park
- Status report on 2015 flood recovery

City Council Agenda Form



Date Submitted: June 14, 2016

Agenda Date Requested: June 16, 2016

Project/Proposal Title: APPROVAL OF RESOLUTION REFLECTING THE CITY'S SUPPORT FOR AND COMMITMENT TO DEVELOP A WASTEWATER SYSTEM TO SERVE CENTRAL WIMBERLEY

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

The City of Wimberley has applied for a \$1 million grant from the United States Economic Development Administration (the "EDA") to reduce the loan amount to fund construction of the planned central Wimberley wastewater system. The loan secured from the Texas Water Development Board (the "TWDB") will be used as the required match for the grant being sought by the City.

The City's grant request has cleared the first step of the EDA review process. Prior to the application going to the second and final review, EDA has requested the City provide a resolution from the City Council reflecting the City's support for and commitment to develop a wastewater system to serve central Wimberley. Attached is a copy of the draft resolution for review and consideration.

RESOLUTION NO. 2016-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WIMBERLEY, TEXAS, IN SUPPORT OF AND COMMITTING TO THE DEVELOPMENT OF A WASTEWATER SYSTEM TO SERVE CENTRAL WIMBERLEY.

WHEREAS, the City of Wimberley is located in Hays County, the fastest growing county in the State of Texas and the fifth fastest growing county in the United States; and

WHEREAS, the heart and economic core of Wimberley is its central business district, also known as central Wimberley, which is facing serious wastewater issues that threaten the environment and the future of the district; and

WHEREAS, the development of a wastewater system to service the approximately 170 properties that make up the central business district is needed protect the environment, preserve existing businesses and facilitate future economic development in the area; and

WHEREAS, recognizing the need for such a wastewater system, the City secured funding for planning and design of the wastewater system that is nearing completion; and

WHEREAS, the City has also secured the required funding for construction of the wastewater system and the operating permit for the system is pending with the State of Texas.

NOW, THEREFORE. BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WIMBERLEY, TEXAS:

That the City Council is supportive of and committed to the development of a wastewater system to serve the central business district of Wimberley that will preserve, maintain and enhance the public health and safety of the city, as well as the economic health and vitality of central Wimberley

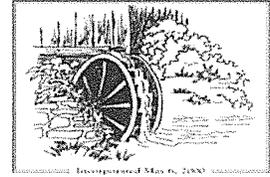
PASSED AND APPROVED this, the 16th day of June 2016, by a vote of ____ (ayes) to ____ (nays) to ____ (abstentions) of the City Council of Wimberley, Texas.

ATTEST:

Cara McPartland, City Secretary

Herschel "Mac" McCullough, Mayor

Report for CUP-16-014



Summary: An application for a Conditional Use Permit for a secondary residential building on property at 406 Hoots Holler Road

Applicant Information:

Applicant(s): Kelvin and Brenda Adams
406 Hoots Holler Road
Wimberley, TX 78676

Property Owner(s): Kelvin and Brenda Adams

Subject Property:

Legal Description: Flite Acres Little Ranches, Lot 6R, 8 acres
Location: 406 Hoots Holler Road
Existing Use of Property: Residential
Existing Zoning: Residential Acreage (RA)
Proposed Use of Property: Bed and Breakfast
Proposed Zoning: RA with CUP
Planning Area: I
Overlay District: Protected Waterway Overlay District

Surroundings:

Frontage On: Hoots Holler Road

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	R-1	Residential
S of Property	RA; R-1	Residential
E of Property	R-1	Residential
W of Property	RA	Residential

Legal Notice

200' Letters: 05/17/16
Published: 05/12/16
Sign Placement: 05/12/16
Responses: None

Comments:

The applicants, Kelvin and Brenda Adams, are seeking a Conditional Use Permit (CUP) for secondary residential building on eight (8) acres of property located at 406 Hoots Holler Road. The subject property is zoned Residential Acreage (RA), located in Planning Area I, and within the boundaries of the Protected Waterway Overlay District. Secondary residential buildings are allowed on RA-zoned properties with a CUP.

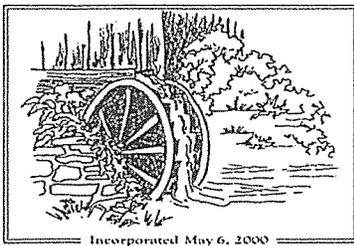
Currently, there is a 2,785 square foot residence on the subject property, which serves as the applicants' primary residence and a 754 square foot, one-bedroom guest cabin, which consists of a 572 square foot living area and 182 square foot covered porch.

The above-mentioned residences were constructed on the subject property several years ago without obtaining the required CUP. This was the result of an oversight by City staff in the permitting process. Approval of the CUP for a secondary residence is necessary to bring the subject property into compliance with the City Zoning Code.

Each residence is served by a properly permitted and functioning on-site septic system. Access to both single family residences is from Hoots Holler Road.

To date, City staff has received no responses either for or against the CUP request.

The Planning and Zoning Commission is scheduled to hold a public hearing and consider making a recommendation on the CUP request on June 9, 2016. That recommendation will be presented to City Council in advance of the Council meeting under separate cover for review and consideration.

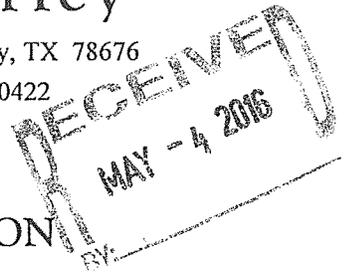


City of Wimberley

221 Stillwater Drive, P.O. Box 2027, Wimberley, TX 78676

Phone (512) 847-0025 Fax (512) 847-0422

www.cityofwimberley.com



CONDITIONAL USE PERMIT APPLICATION

No. CUP 16 - 044

FOR OFFICIAL USE ONLY

Application Date: 5/4/16 Tentative P&Z Hearing: 6/1/16 Tentative Council Hearing: 6/16/16

FEES: ¹⁰⁰\$400.00 DATE PAID: 5/4/16 CHECK NO. [#]267 REC'D BY CM
CM #303 \$300 5/18/16

PROJECT SITE ADDRESS: 406 Hoots Holler Wimberley, TX 78676

OWNER/APPLICANT Kelvin & Brenda Adams PHONE () 281-923-8902

MAILING ADDRESS: 406 Hoots Holler

CITY: Wimberley STATE: TX ZIP: 78676

APPLICANT UNDERSTANDS that the purpose of the Conditional Use Permit (CUP) process is to allow certain uses which are not specific; permitted uses within a zoning district. To be considered for a CUP, the requested use must be listed under "Conditional Uses" within the applicable zoning district.

SPECIFIC CONDITIONAL USE REQUESTED: (e.g. Bed & Breakfast Lodging, Vacation Rental)

~~B+B Lodging~~ Secondary Residence

Planning Area I Zoning RA Total Acreage or Sq. Ft. 8 Acres

Subdivision: Flite Acres / Little Ranches Lot 6R Block 5

Appraisal District Tax ID #: R - 09 - 019 131702

Deed Records Hays County: Volume 3596 Page 198

Is property located in an overlay district? () Yes () No If Yes, type: PWOD (se corner)

Is property located in flood plain? () Yes () No

UTILITY PROVIDERS:

Electric Provider: Pedernales

Water Provider or Private Well: Private Well

Wastewater Service Provider or Hays County Septic Permit No: 2015-12

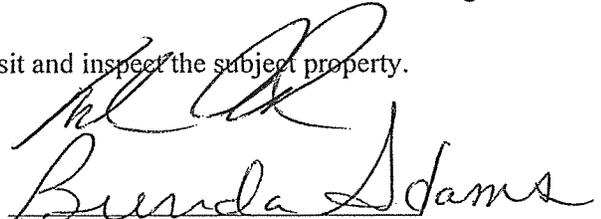
MY REQUEST IS BASED ON THE FOLLOWING:

- The use is harmonious and compatible with surrounding existing uses or proposed uses, and does not adversely affect an adjoining site than would a permitted use;
- The use requested by the applicant is set forth as a conditional use in the base district;
- The nature of the use is reasonable;
- The conditional use does not adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area;
- The conditional use does not adversely affect an adjacent property by its resulting traffic through the location, or its lighting, or its type of sign; and
- That any additional conditions specified, if any, ensure that the intent and purposes of the base district are being upheld.

ADDITIONAL REQUIREMENTS/DOCUMENTATION

- Metes and bounds description and a survey (i.e., drawing) exhibit showing the property for which the CUP is being requested.
- Site Plan drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size height, construction materials, and locations of buildings and the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings and fences; and the relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of two hundred feet (200').
- List of Special Conditions that Applicant agrees apply to property.
- List of all property owners, with mailing addresses located within two hundred feet (200') of any point of the subject property.
- Payment of Application fee \$400.00 (non-refundable)
- Applicant agrees to attend public hearings before the P&Z Commission as well as the City Council concerning this application; or waives his/her right to appear, understanding that if questions are raised that cannot be answered, the matter may be continued, or denied.
- Applicant has checked the subdivision plat notes, deed restrictions, restrictive covenants and/or zoning actions to ensure that there are no restrictions on the subject property and applicant understands that the City zoning action does not relieve any obligation of these restrictions.
- Applicant agrees to provide additional documentation as needed by the City.
- Applicant understands that City review of this Application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided may delay the review of the Application. Applicant, by his/her signature below, certifies that to the best of his/her knowledge said information is complete and correct.
- Applicant hereby authorizes the City representatives to visit and inspect the subject property.

5/4/16
DATE


APPLICANT SIGNATURE

WHEN APPLICABLE:

Date _____

AGENT SIGNATURE

EXHIBIT "A"

Tract I:

Being Lot 6R, AMENDING PLAT OF LOTS 5 AND 6, FLITE ACRES LITTLE RANCHES, a Subdivision in Hays County, Texas, according to the Plat thereof recorded in Volume 15, Page 71, Plat Records, Hays County, Texas.

Tract II:

BEING A TRACT OR PARCEL CONTAINING 4.041 ACRES OF LAND OUT OF THE JESSE WILLIAMS SURVEY NO. 4, ABSTRACT NO. 472, HAYS COUNTY, TEXAS; BEING THAT SAME CALLED 4.041 ACRE TRACT (HAYS COUNTY PROPERTY IDENTIFICATION NUMBER R18849) CONVEYED TO EDWARD BREITENBACH AND ERIN BREITENBACH BY WARRANTY DEED WITH VENDOR'S LIEN RECORDED IN VOLUME 2770, PAGE 358, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS (O.P.R.H.C.T.); SAID 4.041 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (BEARINGS ARE REFERENCED TO SAID 4.041 ACRE TRACT):

BEGINNING:

at a ½-inch iron rod with cap stamped "DRIFTWOOD SURVEYING" found under fence and marking the northeast corner of Lot 6R, Amending Plat of Lots 5 & 6, Flite Acres Little Ranches, a subdivision of record in Volume 15, Pages 71-72, Plat Records of Hays County, Texas and the northwest corner of herein described tract;

THENCE:

South 89° 10' 35" East, with fence, a distance of 239.26 feet to a ½-inch iron rod found marking the northeast corner of the herein described tract;

THENCE:

South 00° 43' 43" East, with fence, a distance of 685.84 feet to a 2" steel fence corner post found marking the southeast corner of the herein described tract;

THENCE:

South 84° 30' 42" West, with fence, a distance of 264.84 feet to a ½-inch iron rod with cap stamped "DRIFTWOOD SURVEYING" found in the east line of said Lot 6R and marking the southwest corner of the herein described tract;

THENCE:

North 01° 15' 22" East, with the east line of said Lot 6R, a distance of 714.72 feet to the POINT OF BEGINNING and containing 4.041 acres of land.

EXHIBIT "B"

PERMITTED EXCEPTION

1. Mineral and/or royalty interest as per instrument dated September 26, 2005, from Thomas Earl Tise and Paula F. Tise Revocable Living Trust to Edward Breitenbach and Erin Breitenbach recorded in Volume 2770, Page 358 of the Official Public Records of Hays County, Texas, as modified by Waiver of Surface Rights.

12.041 ACRES OF LAND

(8,000 ACRE PORTION OF LOT 6, FLITE ACRES LITTLE RANCHES
 A SUBDIVISION IN HAYS COUNTY, TEXAS PER VOL. 165, PG. 285, H.C.D.R.)
 WITH 4.041 ACRES OF LAND OUT OF THE JESSE WILLIAMS SURVEY No. 4, ABSTRACT No. 472,
 HAYS COUNTY, TEXAS

REMAINDER
 OF LOT 1

R116108

2770
 358

REMAINDER
 OF LOT 6

Bar
 THIS TRACT IS NOT TO BE USED FOR RESIDENTIAL BUILDINGS IN HAYS COUNTY, TEXAS

8,000 AC. PORTION OF LOT 6
 Acc. Bldg

CABIN
 12.041 AC. (VACANT)

R27696
 5.05 AC.
 DDC
 9920323

GRAVEL DRIVE

HOOTS HOLLER ROAD (50' ROW)

ASPHALT ROAD
 R27721
 3.45 AC.
 2630
 413
 LITTLE RANCHES SECTION 2
 LOT 10

Ma
 posse

R18849
 4.041 AC.
 2770
 358

20' CEDAR FENCE CORNER
 (N84°30'42" W 10.02')

SEPTIC
 FENCE POST

10' P.U.E.
 500°43'43"E 685.84'

R62285
 65.55 AC.
 1139
 516

UNIVERSITY ROAD
 (PRIVATE EASEMENT)

20' P.U.E.

EDGE OF ASPHALT ROAD S01°15'22" W 542.95'

10' P.U.E.

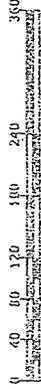
S01°15'22" W 714.72'

N01°15'22" E 714.72'

10' P.U.E.

S89°10'35" E 257.40'

S89°10'35" E 239.26'



SCALE: 1" = 120'

SURVEYOR'S CERTIFICATION

This survey is certified to First American Title Company, and buyers, Keith Adams and Brandon Dodson, I hereby certify to the above-mentioned parties that a careful survey was made on the ground, under my supervision, of the tract of land described therein, and that said survey substantially complies with the current Texas Society of Professional Surveyors Standards & Specifications for a Category 16, Condition II Land Survey, and that said property abuts public and private roadways.

10/30/08
 DATE

RUBEN J. PARR, JR.
 SURVEYOR



LEGEND

- ⊙ --- 1/2" IRON ROD FOUND--UNLESS NOTED
- ⊙ --- 1/2" IRON ROD SET OR FOUND (DRIFTWOOD SURVEYING)
- ⊙ --- OTHER MONUMENTATION
- ⊙ --- SERVICE OR UTILITY POLES
- IF OVERHEAD UTILITIES EASEMENT
- FENCE
- SETBACK

VDL
 PG.
 HAYS COUNTY OFFICIAL
 PUBLIC RECORDS
 HAYS COUNTY PROPERTY
 IDENTIFICATION NUMBER

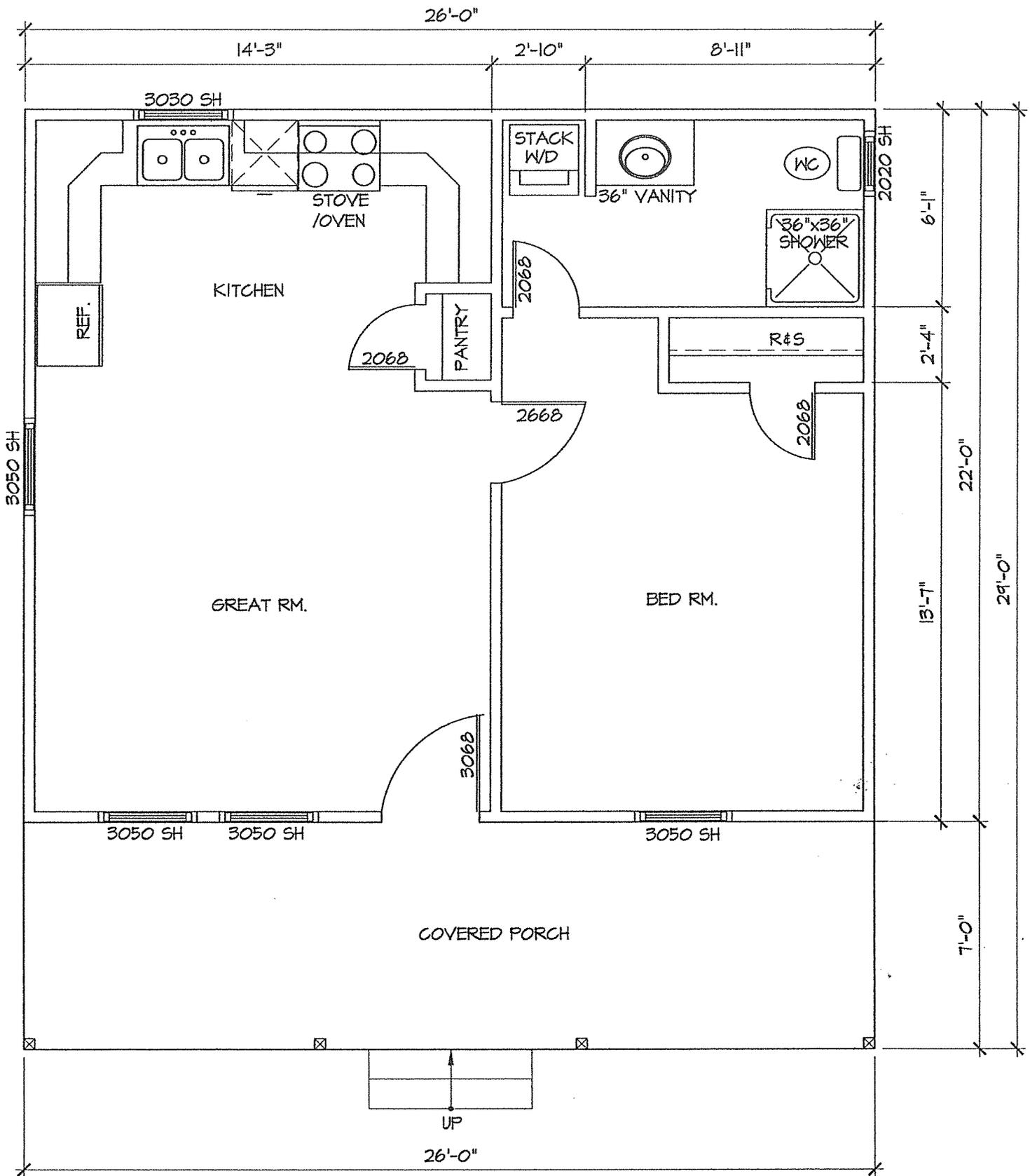
DATE: 10/29/08
 TOLD CREW: RC/EG
 CHECKED: RP
 HAYES: HAYES
 HAYES: HAYES
 HAYES: HAYES

Driftwood Surveying
 Professional Land Surveyors - Surveying for the 11th Century
 P.O. Box 378
 Wimberley, TX 78776
 PH: (512) 647-7222 FAX: (512) 647-7372

12.041 ACRES OF LAND
 OUT OF THE JESSE WILLIAMS SURVEY AND THE
 H.C. PARRILL SURVEY, HAYS COUNTY, TEXAS

CLIENT: ADAMS and DODSON

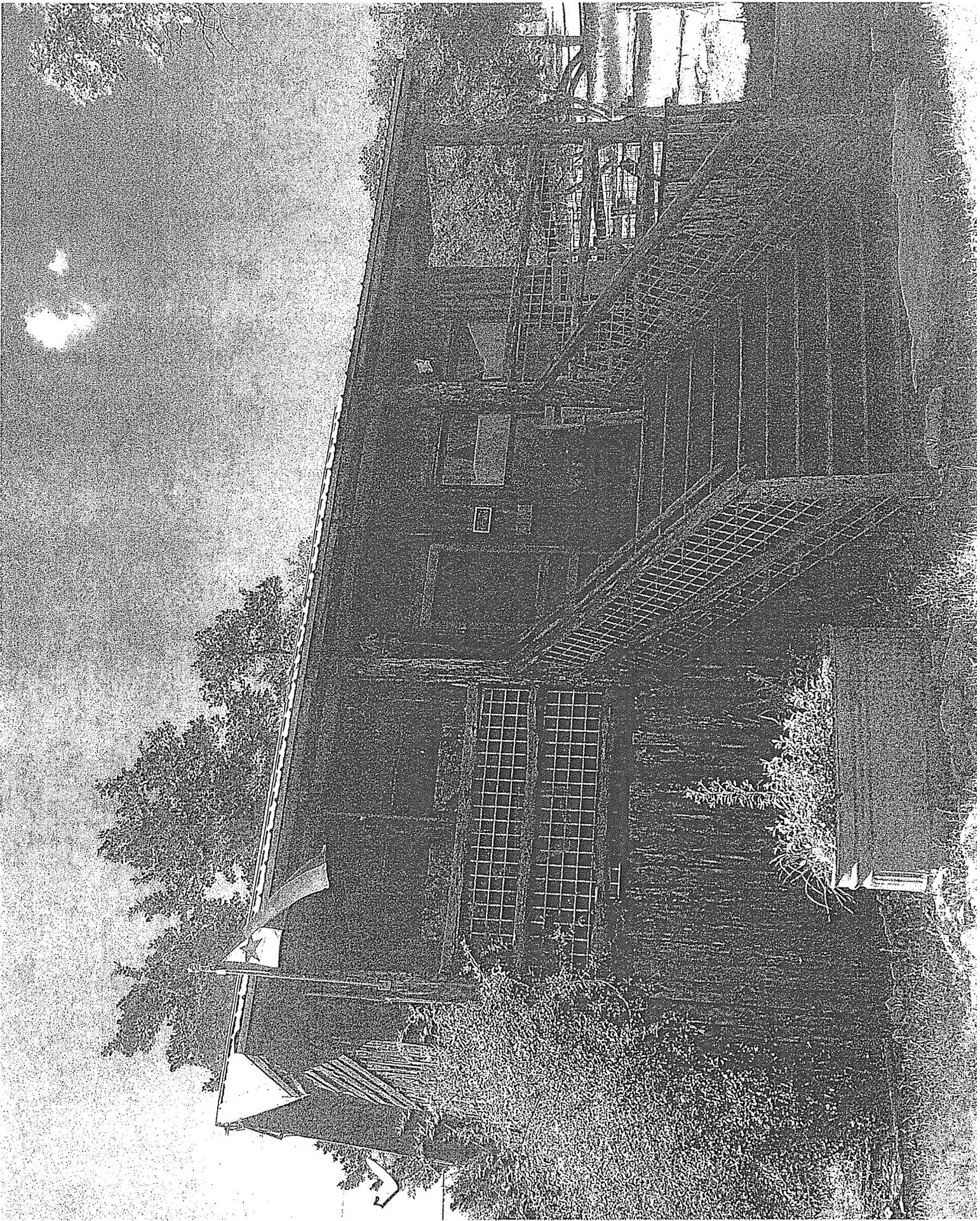
Page 1 of 9
 © 2008 ALL RIGHTS RESERVED

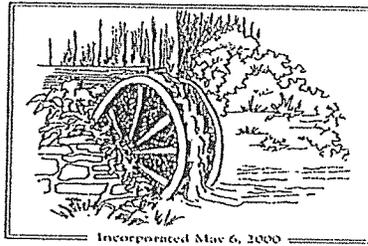


COWBOY CABIN

1 FLOOR PLAN
 SCALE: 1/4" = 1'-0"

572 SQ. FT. HEATED AREA
 182 SQ. FT. COVERED PORCH
 754 TOTAL SQ. FT.





CITY OF WIMBERLEY

AUTHORIZATION TO CONSTRUCT
AN
ON-SITE SEWAGE FACILITY

Application number: 2015-12

Property Owner: B. Adams

Mailing Address: 406 Hoots Holler, Wimberley, TX 78676

Site Address: 406 Hoots Holler

Lot 6, Flite Acres/Little Ranches, Wimberley, TX 78676

This serves to notify all persons that an on-site sewerage facility application, related technical data, and the appropriate fee have been received by the City of Wimberley Environmental Health Department from said owner as indicated above. The application has been reviewed for technical and administrative consideration against the standards set forth by the TCEQ and local ordinances. Approval is hereby granted for the construction as shown on the submitted plans.

Any modifications to said plan must be submitted to the authorized agent prior to site inspection for review and approval.

The owner or installer must contact the Environmental Health department for inspection procedures prior to installation of the system. Contact the Environmental Health Department office for any questions. 847-0025

This permit will automatically expire one year from the date of issuance. Final inspections not obtained within the year of issuance will require additional application fees.

System Type: Conventional Leaching Chamber System (Quick4 Panels)

Maintenance Contract Required: No

Design Flow: 180 gallons per day

Tanks: Concrete

Pretreatment/ Trash tank: 750gal. 2-compartment

Aerobic Unit: N/A

Pump Tank: N/A

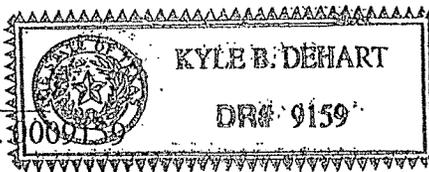
Square Footage of Field/ Application Area: 680sq.ft.

Linear Footage of line or Tubing: 136' ARC36 Panels

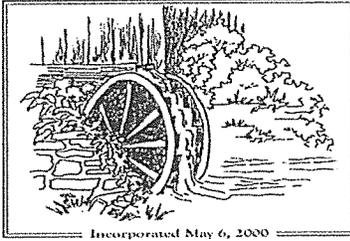
Comments:

No vehicles, buildings, drives or parking in area of drainfield.

Kyle B. DeHart, R.S. 4127, S.E. 0022979, D.R. 1000159



4-7-15
Date



City of Wimberley

221 Stillwater, P.O. Box 2027, Wimberley, Texas 78676

Phone: (512) 847-0025 - Fax: (512) 847-0422

www.cityofwimberley.com

Mac McCullough, Mayor

Council Members - Bob Dussler, Craig Fore, Sally Trapp, Gary Barchfeld & John D. White

City Administrator - Don Ferguson

May 17, 2016

NOTICE OF PUBLIC HEARING

Re: **File No. CUP-16-014**
406 Hoots Holler Road, Wimberley, Texas

Dear Property Owner:

You are receiving this letter because you own property within 200 feet of the above-referenced location.

The applicants, Kelvin and Brenda Adams, have applied for a Conditional Use Permit to allow for a secondary residential building on property zoned Residential Acreage (RA) located at 406 Hoots Holler Road, Wimberley, Texas.

The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, June 9, 2016 at 6:00 p.m.** in the Wimberley City Hall, 221 Stillwater. Upon a recommendation from the Commission, City Council will hold a public hearing to consider the same request on **Thursday, June 16, 2016, at 6:00 p.m.** in the Wimberley City Hall.

Because the granting of this request may affect your property, you are encouraged to participate in the zoning process. The public will be given an opportunity to speak during the hearing. If you wish to comment but are unable to attend, written comments may be submitted to the City Administrator prior to the meeting.

Additional information regarding the proposed zoning is available for public review at City Hall during normal business hours. Should you have questions, please contact the City Administrator at 512-847-0025.

CITY OF WIMBERLEY

Properties within 200' of 406 Hoots Holler:

R140373 (2653 Flite Acres)
M & M McClay Properties LLC
405 Mirafiel Ln.
Austin, TX 78737-4679

R27686 (380 Hoots Holler)
Lindsey C. Roberts &
Christie N. Williams
1112 S. Rock St.
Georgetown, TX 78626-6750

R27696 (400 Hoots Holler)
Rodger T. & Marilyn S. Parker
P.O. Box 375
Wimberley, TX 78676-0375

R18849 (301 University Rd.)
Kelvin Adams & Brenda Dodson
406 Hoots Holler
Wimberley, TX 78676-5768

R19891
Michael A. Dukes & Karen M. Serafino
3401 Flite Acres Rd.
Wimberley, TX 78676

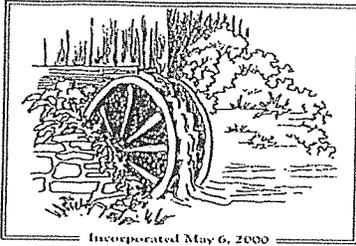
R19898/R136610
Alice L. Oldham Revocable Living Trust
102 University Dr.
Wimberley, TX 78676

R27720/R27721
Richard & Barbara Burleson
216 Summit Loop
Wimberley, TX 78676-5741

R27719
Marian J. Running
210 Summit Loop
Wimberley, TX 78676-5741

**NOTICE OF PUBLIC HEARING
(Conditional Use Permit)**

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on **Thursday, June 9, 2016 at 6:00 p.m.** to consider the following: CUP-16-014 – an application for a Conditional Use Permit (CUP) to allow for a secondary residential building on property zoned Residential Acreage (RA) located at 406 Hoots Holler Road in Wimberley, Hays County, Texas. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on **Thursday, June 16, 2016, at 6:00 p.m.** at City Hall. Comments on this request from any member of the public may be presented in person or by mail (P.O. Box 2027) at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas.



City of Wimberley

221 Stillwater, P.O. Box 2027, Wimberley, Texas, 78676

Phone: (512) 847-0025 - Fax: (512) 847-0422

E-mail: village@wimberley-tx.com - Web: www.cityofwimberley.com

NOTICE BY SIGN POSTING

Zoning No: CUP-16-014

Owner _____

Date 5/17/16

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

() Project Site Address 406 Hoots Hollow

which is located on Hoots Hollow

Bill Bowers

Asst. Public Works

Note: The above-referenced sign was placed on the subject property on

5/17/, 2016


Signature _____

ORDINANCE NO. 2016-__

AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY KELVIN AND BRENDA ADAMS TO PERMIT A SECONDARY SINGLE FAMILY RESIDENTIAL STRUCTURE ON AN 8 ACRE TRACT LOCATED AT 406 HOOTS HOLLER ROAD, WIMBERLEY, HAYS COUNTY, TEXAS, ZONED RESIDENTIAL ACREAGE (RA); AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS.

WHEREAS, an application for a Conditional Use Permit has been filed by Kelvin and Brenda Adams (“Applicants”) requesting authorization for a secondary single family residential structure on real property consisting of approximately 8 acres, zoned Residential Acreage (RA); and

WHEREAS, a residential structure currently exists on the property and a secondary single family residential structure is an authorized use in areas zoned Residential Acreage (RA) upon the granting of a Conditional Use Permit; and

WHEREAS, approval of the Conditional Use Permit has been recommended by the Planning and Zoning Commission; and

WHEREAS, Applicant has submitted a Conditional Use Permit Application and site plan, attached hereto as Exhibit “A” and incorporated herein, and other necessary information, and has complied with the requirements of the City of Wimberley Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission and City Council have conducted public hearings on the application for a Conditional Use Permit wherein public comment was received and considered on the application; and

WHEREAS, the City Council finds that the use of the subject property adding the construction of a secondary single family residential structure is an appropriate use for the property and is a compatible use with the surrounding properties and neighborhoods.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WIMBERLEY, HAYS COUNTY, TEXAS:

ARTICLE I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Wimberley and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

ARTICLE II. APPROVAL - TERMS AND CONDITIONS

The CITY COUNCIL HEREBY GRANTS the Application for a Conditional Use Permit submitted by Kelvin and Brenda Adams (“Applicants”) requesting authorization for a secondary single family residential structure on real property consisting of approximately 8 acres, located at

406 Hoots Holler Road, Wimberley, Hays County, Texas, which is zoned Residential Acreage (RA), subject to the following terms and conditions:

1. This Ordinance only authorizes a secondary single family residential structure in accordance with the site plan attached hereto as Exhibit "A", attached and incorporated by reference, as well as all applicable regulations in effect at the time of the submission of the building permit application. Other than the permitted uses of the property allowed by the City's ordinances, no other use of the property is authorized by this Conditional Use Permit.

ARTICLE III. ZONING DISTRICT MAP

The official Zoning District Map shall be revised to reflect the Conditional Use Permit established by this Ordinance.

ARTICLE IV. REPEALER

All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only to the extent of any such conflict.

ARTICLE V. SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

ARTICLE VI. EFFECTIVE DATE

This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

ARTICLE VII. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code, and the Standard Zoning Enabling Act, Chapter 211 of the Texas Local Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED by the City of Wimberley City Council on the ___th day of June, 2016 by a vote of ___ (Ayes), ___ (Nays) and ___ (Abstentions).

CITY OF WIMBERLEY

By: _____
Herschel "Mac" McCullough, Mayor

ATTEST:

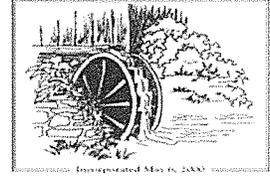
Cara McPartland, City Secretary

(SEAL)

APPROVED AS TO FORM:

Catherine B. Fryer, City Attorney

Report for CUP-16-012



Summary:

An application for a Conditional Use Permit for a Vacation Rental Facility property at 261 Panther Crossing

Applicant Information:

Applicants:

Randall Smith
13806 Menasco Ct.
Houston, TX 77077

Property Owners:

Randall Q. Smith

Subject Property:

Legal Description:

Flite Acres Little Ranches, Lot 11, 8.03 acres

Location:

261 Panther Crossing

Existing Use of Property:

Residential

Existing Zoning:

Residential Acreage (RA)

Proposed Use of Property:

Vacation Rental

Proposed Zoning:

RA with CUP for vacation rental

Planning Areas

I

Overlay District

N/A

Surroundings:

Frontage On:

Panther Crossing

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	R-1	Residential
S of Property	RA	Residential
E of Property	R-1	Residential
W of Property	ETJ	Residential

Legal Notice

200' Letters:

5/17/16

Published:

5/12/16

Sign Placement:

5/17/16

Responses:

One inquiry; information only

Comments:

The applicant, Randall Smith, is seeking a Conditional Use Permit (CUP) for the operation of a vacation rental on an 8.03 acre tract of land located at 261 Panther Crossing. The subject property is zoned Residential Acreage (RA) and located in Planning Area I. Vacation rental facilities are allowed on RA zoned properties with a CUP.

Currently, there are two (2) single-family residential structures on the subject property. The two-story main home is 4,212 square feet in size and has three (3)

bedrooms and three and one-half (3.5) baths. In addition, there is a two-story guest house that is approximately 1,260 square feet in size that has two bedrooms and one (1) bath. The applicant is proposing to use both of the residences as vacation rentals. There is adequate space on-site for off-street parking.

There are two (2) existing, properly functioning on-site septic systems on the subject property that serve the subject residences. Based on a review of the system, the City Sanitarian has indicated that no more than four (4) guests shall occupy the main home and no more than three (3) guests shall occupy the guest home. The applicant has agreed to the occupancy limit.

Based on the City's regulations for vacation rental facilities, City staff is recommending the following conditions be made part of the requested CUP, should the Council desire to recommend approval:

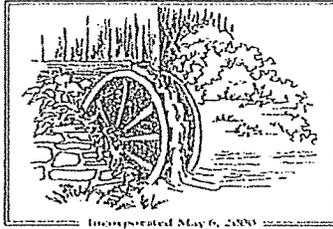
1. No organized outside activities shall be allowed on the property after 10 p.m.
2. No guests, other than paying guests, shall be allowed on the property at any time, unless approved in writing, in advance, by the owner or his agent.
3. The grounds outside the residence shall remain free of litter and trash at all times.
4. A fire escape plan, identifying fire exits shall be developed and graphically displayed in each guest room.
5. One (1) smoke alarm shall be provided in each guest room, along with a fire extinguisher visible and accessible to guests.
6. A valid taxpayer number for reporting any Texas/City tax shall be provided to the City along with a copy of the completed *City of Wimberley/State of Texas Hotel Occupancy Tax Questionnaire*, no later than thirty (30) days following approval of the CUP.
7. The City shall be notified of any change in ownership of the subject property within thirty (30) days of such change.
8. A copy of the requirements set forth in the CUP shall be made available to all guests.
9. The subject property owner shall provide the City and property owners within two hundred (200) feet of the subject property, with the current names and contact information (including telephone numbers and e-mail

address) for the local responsible party for the subject property. The local contact shall be able to respond to any incident within thirty (30) minutes of a call and shall be authorized to make decisions regarding tenants at the property. If the name or contact information for the local contact changes, then the property owners shall notify the City and property owners within two (200) feet of the subject property, with the current name and contact information.

10. Unruly gatherings are prohibited. Unruly gathering means a gathering of more than one (1) person which is conducted on premises within the City and which, by reason of the conduct of those persons in attendance, results in the occurrence of one(1) or more of the following conditions or events on public or private property; the destruction of property; obstruction of roadways, driveways, or public ways by crowds or vehicles; excessive noise; disturbances, brawls, fights, or quarrels; public urination or defecation; or indecent or obscene conduct or exposure.
11. The property shall be subject to inspection at any time by designated City representatives, if compliance is in question, with proper notice provided, if feasible.
12. The CUP shall terminate and be considered abandoned if and when there is evidence of no rental activity, based in part on the State/City Hotel Occupancy Tax Reports, for a period of nine (9) months. The burden shall be on the property owner to prove that use of the property has been in continuous use.
13. Signage for the vacation rental shall be limited to one (1) sign not to exceed four (4) square feet in area and shall be of traditional Hill Country design and color.
14. The maximum occupancy for the main house shall be four (4) guests, while the maximum occupancy for the guest house shall be three (3) guests.

To date, City staff has received no responses either for or against the CUP request. One inquiry for information on the CUP request was received from a property owner within the two-hundred foot notification area.

The Planning and Zoning Commission is scheduled to hold a public hearing and consider making a recommendation on the CUP request on June 9, 2016. That recommendation will be presented to City Council in advance of the Council meeting under separate cover for review and consideration.



City of Wimberley

221 Stillwater Drive, P.O. Box 2027, Wimberley, TX 78676

Phone (512) 847-0025 Fax (512) 847-0422

www.cityofwimberley.com



CONDITIONAL USE PERMIT APPLICATION

No. CUP 16 - 012

FOR OFFICIAL USE ONLY

Application Date: 5/4/16 Tentative P&Z Hearing: 6/9 Tentative Council Hearing: 6/16

FEES: ~~\$400.00~~ DATE PAID: 5/4/16 CHECK NO. 5016 REC'D BY [Signature]
\$100.00

PROJECT SITE ADDRESS: 261 Panther Crossing Wimberley, TX 78676

OWNER/APPLICANT Rendall Smith PHONE ⁽¹¹³⁾ 851-9599

MAILING ADDRESS: 13802 Menasco Ct

CITY: Houston STATE: TX ZIP: 77077

APPLICANT UNDERSTANDS that the purpose of the Conditional Use Permit (CUP) process is to allow certain uses which are not specific; permitted uses within a zoning district. To be considered for a CUP, the requested use must be listed under "Conditional Uses" within the applicable zoning district.

SPECIFIC CONDITIONAL USE REQUESTED: (e.g. Bed & Breakfast Lodging, Vacation Rental)

Vacation rental

Planning Area I Zoning RA Total Acreage or Sq. Ft. 8.03 ac.

Subdivision: Elite Acres Little Ranches Lot 11 Block _____

Appraisal District Tax ID #: R 27702

Deed Records Hays County: Volume _____ Page _____

Is property located in an overlay district? () Yes () No If Yes, type: _____

Is property located in flood plain? () Yes () No

UTILITY PROVIDERS:

Electric Provider: Pedernales

Water Provider or Private Well: City of Wimberley

Wastewater Service Provider or Hays County Septic Permit No: _____

MY REQUEST IS BASED ON THE FOLLOWING:

- The use is harmonious and compatible with surrounding existing uses or proposed uses, and does not adversely affect an adjoining site than would a permitted use;
- The use requested by the applicant is set forth as a conditional use in the base district;
- The nature of the use is reasonable;
- The conditional use does not adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area;
- The conditional use does not adversely affect an adjacent property by its resulting traffic through the location, or its lighting, or its type of sign; and
- That any additional conditions specified, if any, ensure that the intent and purposes of the base district are being upheld.

ADDITIONAL REQUIREMENTS/DOCUMENTATION

- Metes and bounds description and a survey (i.e., drawing) exhibit showing the property for which the CUP is being requested.
- Site Plan drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size height, construction materials, and locations of buildings and the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings and fences; and the relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of two hundred feet (200').
- List of Special Conditions that Applicant agrees apply to property.
- List of all property owners, with mailing addresses located within two hundred feet (200') of any point of the subject property.
- Payment of Application fee \$400.00 (non-refundable)
- Applicant agrees to attend public hearings before the P&Z Commission as well as the City Council concerning this application; or waives his/her right to appear, understanding that if questions are raised that cannot be answered, the matter may be continued, or denied.
- Applicant has checked the subdivision plat notes, deed restrictions, restrictive covenants and/or zoning actions to ensure that there are no restrictions on the subject property and applicant understands that the City zoning action does not relieve any obligation of these restrictions.
- Applicant agrees to provide additional documentation as needed by the City.
- Applicant understands that City review of this Application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided may delay the review of the Application. Applicant, by his/her signature below, certifies that to the best of his/her knowledge said information is complete and correct.
- Applicant hereby authorizes the City representatives to visit and inspect the subject property.

3/18/16
DATE


APPLICANT SIGNATURE

WHEN APPLICABLE:

Date _____

AGENT SIGNATURE

RECEIVED
MAY - 4 2016

LIST OF CONDITIONS THAT MAY BE INCLUDED IN A
BED AND BREAKFAST/VACATION RENTAL CUP

Owner: Randall Smith

LOCATION OF PROPERTY: 261 Panther Crossing

LEGAL DESCRIPTION: Flite Acres Little Ranches Lot 11

PLANNING AREA: _____

PRESENT ZONING: _____

EXISTING USE: second home

USE TO BE GRANTED: _____ Bed & Breakfast OR Vacation Rental

NEW CONSTRUCTION: (Describe existing construction) If new construction is contemplated: Describe new construction. The architecture and façade of all new construction will be traditional "Hill Country" design and harmonious with those of adjacent uses. No construction shall commence prior to compliance with all applicable ordinances, laws, rules and regulations.

COMPATIBILITY TO NEARBY AREAS: The facilities on the property will at all times be harmonious and compatible with surrounding uses 42.2 A 1.

OFF-STREET PARKING: All parking will be off-street. _____ Off-street parking spaces will be provided for off-street guest parking, which will be adequate for a maximum occupancy of _____ guests. Parking will be in these spaces only. 42.2 A 5; 42.3 F.

SIGNAGE: All signage will be of traditional "Hill Country" design and will comply with the City Sign Ordinance. 42.2 A 1; 42.2 A 6.

NOISE AND LIGHTING: Exterior lighting to be only landscape lighting. All noise audible from outside, and all light visible from outside the property shall be maintained at low levels appropriate to a single family neighborhood. No large parties are permitted.

NUMBER OF BEDROOMS: 5 42.3 B. main house 3, guest house 2

MAXIMUM OCCUPANCY: _____ guests. 42.3 B.

OCCUPANT REGULATIONS AND GUIDELINES: Guest Guidelines are attached hereto and made a part of this Conditional Use Permit. The bed and breakfast lodging facility shall be operated in accordance with the guidelines. These guidelines shall be furnished to all guests. 42.3 D.

WASTEWATER SYSTEM: The wastewater treatment system (to be designed and constructed) will at all times be adequate for the maximum occupancy. 42.3 H.

WATERFRONT USAGE: (Applicable if guests have water access) Guests may only use the _____ River/Creek in the area directly adjacent to the bed and breakfast lodging facility. Guests may not use the River/Creek in front of other properties or enter upon any property which is not part of the bed and breakfast facility for the purpose of entering or exiting the water or for any other reason. 42.3 E.

PROPERTY MANAGEMENT: Owner will provide guests and close-by neighbors with owner's telephone number to assure Owner's immediate knowledge of any concerns that may arise. (If not owner occupied) Owner agrees to retain under contract a responsible local management company at all times the property is used as a non-owner occupied bed and breakfast lodging. The management company shall advise guests of the applicable conditions contained herein, receive and pass on to owner any complaints received and at owner's direction act upon such complaints. (If Owner occupied) The property shall be the owner's principal place of residence and the owner shall actively supervise and manage the property at all times that it is used as a bed and breakfast facility. 42.3 D.

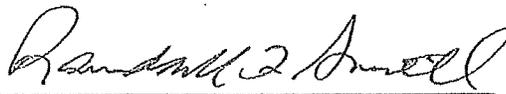
MISCELLANEOUS: Owner agrees to maintain the property in a manner conducive to the health and safety of the guests and the neighborhood. All trash and garbage will be placed in provided receptacles which shall not be visible from the street except on pick-up day. No trash bags shall be left out in the open. The exterior of the facility and the landscaping, including lawns, will be maintained in good condition at all times. 42.2 A 1.

REVOCATION: The cup may be revoked by the City Council upon recommendation of the planning and Zoning Commission in the event of the violation of any of the conditions contained therein.

OWNER COMPLIANCE: Owners agree to comply with all City of Wimberley Ordinances, and all state, county and City laws, rules and regulations.

ACCEPTED AND AGREED TO:

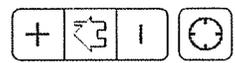
3/18/16
DATE


OWNER

DATE

OWNER

Details |
 Add |
 Basemap |
 Save |
 Share |
 Print |
 Measure |
 Bookmarks |
 261 Panther Xing, Wimberley, Texas, USA



Legend

- NS
- O2
- R2
- PPU
- HC

Zoning

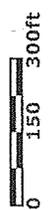
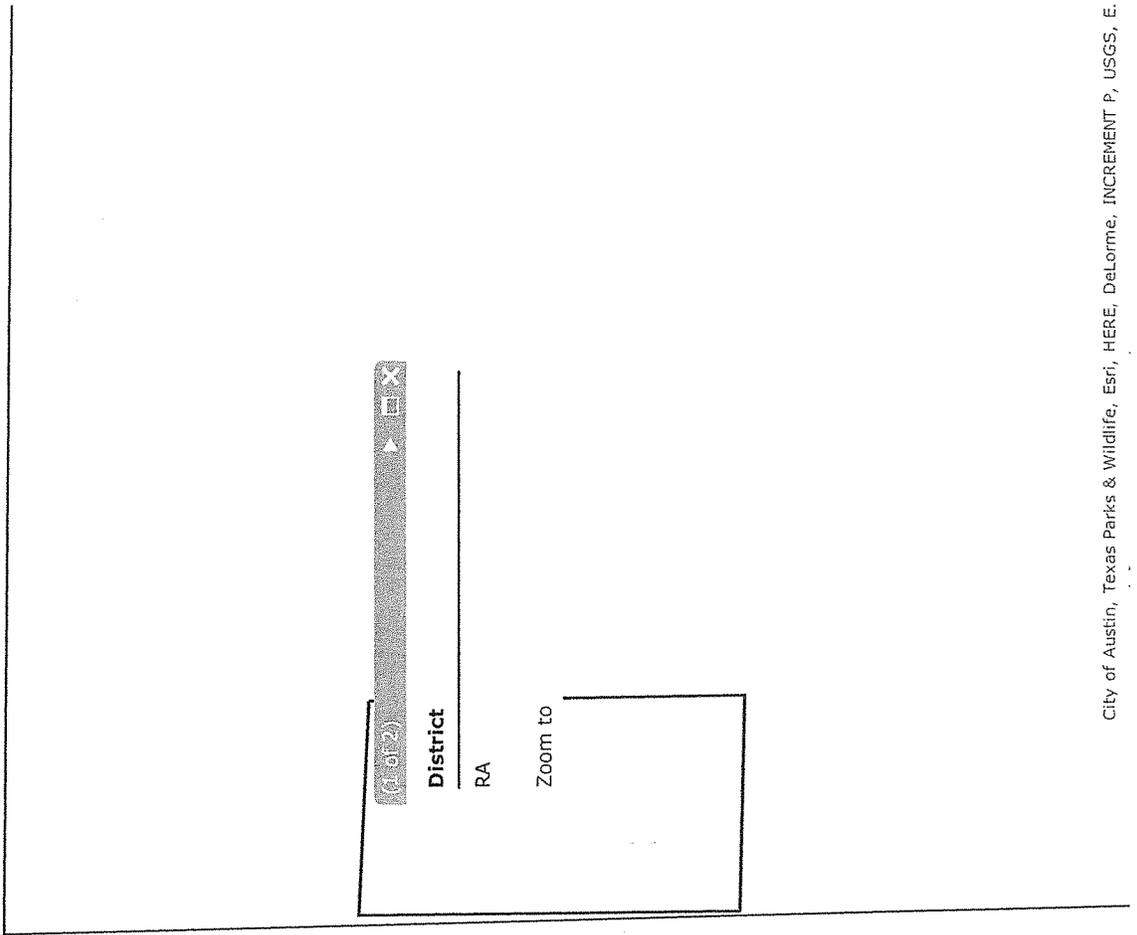
- R2
- R1

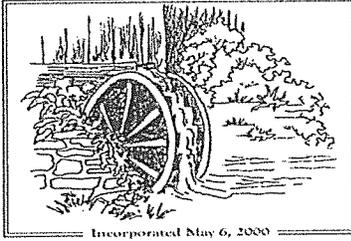
Zoning

- R2
- R1

Zoning

- R3
- RA
- R1
- R4
- R5
- MF1
- MH
- MF2





City of Wimberley

221 Stillwater, P.O. Box 2027, Wimberley, Texas 78676

Phone: (512) 847-0025 - Fax: (512) 847-0422

www.cityofwimberley.com

Mac McCullough, Mayor

Council Members - Bob Dussler, Craig Fore, Sally Trapp, Gary Barchfeld & John D. White

City Administrator - Don Ferguson

May 17, 2016

NOTICE OF PUBLIC HEARING

Re: **File No. CUP-16-012**
261 Panther Crossing, Wimberley, Texas

Dear Property Owner:

You are receiving this letter because you own property within 200 feet of the above-referenced location.

The applicant, Randall Smith, has applied for a Conditional Use Permit to allow for a vacation rental on property zoned Residential Acreage (RA) located at 261 Panther Crossing, Wimberley, Texas.

The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, June 9, 2016 at 6:00 p.m.** in the Wimberley City Hall, 221 Stillwater. Upon a recommendation from the Commission, City Council will hold a public hearing to consider the same request on **Thursday, June 16, 2016, at 6:00 p.m.** in the Wimberley City Hall.

Because the granting of this request may affect your property, you are encouraged to participate in the zoning process. The public will be given an opportunity to speak during the hearing. If you wish to comment but are unable to attend, written comments may be submitted to the City Administrator prior to the meeting.

Additional information regarding the proposed zoning is available for public review at City Hall during normal business hours. Should you have questions, please contact the City Administrator at 512-847-0025.

CITY OF WIMBERLEY

Properties within 200' of 261 Panther Crossing:

R17300 (ETJ)
Phillip Alan Collins
106 Oak Terrace Dr.
Wimberley, TX 78676-5434

R135077/R135078
James T. & Nancy J. Payte
260 Panther Xing
Wimberley, TX 78676

R27709/R27713 (801 Little Ranches Rd)
Jim & Thelma Gene Henderson
P.O. Box 1676
Wimberley, TX 78676-1676

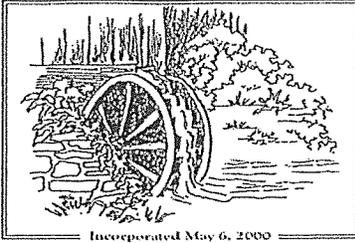
R27706 (301 Little Ranches Rd)
Otis A. & Ardith Arlene Barron
803 Cat Hollow Club Dr.
Spicewood, TX 78669-2638

R27704/27705
Mitchell J. McKinney
135 Panther Crossing
Wimberley, TX 78676

R27701
Wayne C. & Tonya R. McQuaid, Jr.
207 Little Ranches Rd.
Wimberley, TX 78676-5738

**NOTICE OF PUBLIC HEARING
(Conditional Use Permit)**

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on **Thursday, June 9, 2016 at 6:00 p.m.** to consider the following: CUP-16-012 – an application for a Conditional Use Permit (CUP) to allow for a vacation rental on property zoned Residential Acreage (RA) located at 261 Panther Crossing in Wimberley, Hays County, Texas. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on **Thursday, June 16, 2016, at 6:00 p.m.** at City Hall. Comments on this request from any member of the public may be presented in person or by mail (P.O. Box 2027) at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas.



City of Wimberley

221 Stillwater, P.O. Box 2027, Wimberley, Texas, 78676
Phone: (512) 847-0025 - Fax: (512) 847-0422
E-mail: village@wimberley-tx.com - Web: www.cityofwimberley.com

NOTICE BY SIGN POSTING

Zoning No: COP-16-012 Owner _____

Date 5/17/16

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

() Project Site Address 261 Panther Crossing
which is located on Panther Crossing

Bill Bowers
Asst. Public Works

Note: The above-referenced sign was placed on the subject property on

5/18/, 2016

Bill Bowers
Signature

ORDINANCE NO. 2016-_____

AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY RANDALL SMITH TO OPERATE A VACATION RENTAL FACILITY ON PROPERTY LOCATED AT 261 PANTHER CROSSING, WIMBERLEY, HAYS COUNTY, TEXAS, ZONED RESIDENTIAL ACREAGE (RA), AND IMPOSING CERTAIN CONDITIONS; AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS.

WHEREAS, an application for a Conditional Use Permit has been filed by Randall Smith (“Applicant”) requesting authorization to operate a vacation rental facility on real property, described as Flite Acres Little Ranches, Lot 11, zoned Residential Acreage (RA); and

WHEREAS, a vacation rental facility is an authorized use in areas zoned Residential Acreage (RA) upon the approval of a Conditional Use Permit; and

WHEREAS, after conducting a public hearing on the matter, the Planning and Zoning Commission recommended approval of the CUP application; and

WHEREAS, Applicant has submitted a Conditional Use Permit Application and site plan, attached hereto as Exhibits “A” and “B”, respectively, and incorporated herein, and other necessary information, and has complied with the requirements of the Wimberley Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission and City Council have conducted Public Hearings on the Application for a Conditional Use Permit wherein public comment was received and considered on the Application; and

WHEREAS, the City Council finds that the use of the subject property as a vacation rental facility, subject to the conditions imposed by this Ordinance, is an appropriate use for the property and is a compatible use with the surrounding properties and neighborhoods.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WIMBERLEY, TEXAS:

ARTICLE I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Wimberley and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

ARTICLE II. APPROVAL - TERMS AND CONDITIONS

The CITY COUNCIL HEREBY GRANTS the Application for a Conditional Use Permit submitted by Randall Smith (“Applicant”) for use as a vacation rental facility on real property, described as Flite Acres Little Ranches, Lot 11, as more particularly described by survey in Exhibit “C”, attached and incorporated by reference, zoned Residential Acreage (RA), Wimberley, Hays County, Texas, subject to the following terms and conditions:

1. No organized outside activities shall be allowed on the property after 10 p.m.
2. No guests, other than paying guests, shall be allowed on the property at any time, unless approved in writing, in advance, by the owner or his agent.
3. The grounds outside the residence shall remain free of litter and trash at all times.
4. A fire escape plan, identifying fire exits shall be developed and graphically displayed in each guest room.
5. One (1) smoke alarm shall be provided in each guest room along with a fire extinguisher visible and accessible to guests.
6. A valid taxpayer number for reporting any Texas/City tax shall be provided to the City along with a copy of the completed *City of Wimberley and State of Texas Hotel Occupancy Tax Questionnaires* no later than thirty (30) days following the approval of the CUP.
7. The City shall be notified of any change in ownership of the subject property within thirty (30) days of such change.
8. A copy of the requirements set forth in the CUP shall be made available to all guests.
9. The subject property owner shall provide the City and property owners within two hundred (200) feet of the subject property, with the current names and contact information (including telephone numbers and e-mail address) for the local responsible party for the subject property. The local contact shall be able to respond to any incident within thirty (30) minutes of a call and shall be authorized to make decisions regarding tenants at the property. If the name or contact information for the local contact changes, then the property owner shall notify the City and property owners within two hundred (200) feet of the subject property, with the current name and contact information.
10. Unruly gatherings are prohibited. Unruly gathering means a gathering of more than one (1) person which is conducted on a premises within

the city and which, by reason of the conduct of those persons in attendance, results in the occurrence of one (1) or more of the following conditions or events on public or private property; the destruction of property; obstruction of roadways, driveways, or public ways by crowds or vehicles; excessive noise; disturbances, brawls, fights, or quarrels; public urination or defecation; or indecent or obscene conduct or exposure.

11. The property shall be subject to inspection at any time by designated City representatives, if compliance is in question, with proper notice provided, if feasible.
12. The CUP shall terminate and be considered abandoned if and when there is evidence of no rental activity, based in part on the City of Wimberley and State Hotel Occupancy Tax Reports, for a period of nine (9) months. The burden shall be on the property owner to prove that use of the property has been in continuous use.
13. Signage for the vacation rental shall be limited to one (1) non-illuminated sign not to exceed four (4) square feet in area and shall be of traditional Hill Country design and color.
14. The maximum occupancy for the main house shall be four (4) persons and the maximum occupancy for the guest house is three (3) persons.

ARTICLE III. ZONING DISTRICT MAP

The official Zoning District Map shall be revised to reflect the Conditional Use Permit established by this Ordinance.

ARTICLE IV. REPEALER

All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only to the extent of any such conflict.

ARTICLE V. SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

ARTICLE VI. EFFECTIVE DATE

This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

ARTICLE VII. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code, and the Standard Zoning Enabling Act, Chapter 211 of the Texas Local Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED by the Wimberley City Council on the 16th day of June, 2016 by a vote of ____ (Ayes) and ____ (Nays).

WIMBERLEY, TEXAS

By: _____
Herschel "Mac" McCullough, Mayor

ATTEST:

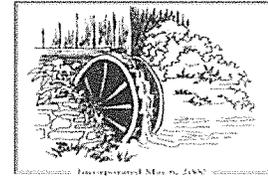
Cara McPartland, City Secretary

(SEAL)

APPROVED AS TO FORM:

Catherine B. Fryer, City Attorney

Report for Amendment To Ordinance No. 2009-056



Summary: An application to amend a Conditional Use Permit to modify the limits of the service area for a bar/tavern located at 314 Wimberley Square

Applicant Information:

Applicants: Claim Processing Solutions/DBA: The Old Mill Store
P.O. Box 708
Wimberley, TX 78676

Property Owners: Claim Processing Solutions/DBA: The Old Mill Store

Subject Property:

Legal Description: ABS 461 Amasa Turner Survey
Location: 314 Wimberley Square
Existing Use of Property: Commercial – Retail, Art Gallery, Office, Music Club, Bar
Existing Zoning: C-3 with a CUP for a Bar or Tavern
Proposed Use of Property: Commercial – Retail, Art Gallery, Office, Music Club, Bar
Proposed Zoning: C-3 with a CUP for a Bar or Tavern with amended service area
Planning Area: V
Overlay District: Village Center Overlay District

Surroundings:

Frontage On: Wimberley Square

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	PR-1	Commercial
S of Property	C-3	Commercial
E of Property	C-3; C-1	Commercial
W of Property	C-3; C-1	Commercial

Legal Notice

200' Letters: 5/17/16
Published: 5/12/16
Sign Placement: 5/17/15
Responses: None

Comments:

The applicant, Claims Processing Solutions, has requested an amendment to an existing Conditional Use Permit ("CUP") that allows for the operation of a bar/tavern on property located at 314 Wimberley Square.

The subject property is the current location of *The Old Mill Store* and *The Gallery On The Square*. It is zoned Commercial-High Impact (C-3), in Planning Area V, and within the boundaries of the Village Center Overlay District.

In December 2009, City Council approved a CUP (Ordinance No. 2009-056) for a bar/tavern on the subject property. The original site plan called for the proposed bar to be located behind *The Old Mill Store* adjacent to a courtyard seating area.

The applicant is seeking to amend the site plan for the existing CUP to relocate the bar to *The Gallery On The Square*. This new location will also be adjacent to the courtyard seating area. Access points to the bar/tavern remain unchanged.

To date, City staff has received no responses either for or against the zoning request.

The Planning and Zoning Commission is scheduled to hold a public hearing and consider making a recommendation on the requested CUP amendment on June 9, 2016. That recommendation will be presented to City Council in advance of the Council meeting under separate cover for review and consideration.

ORDINANCE NO. 2009- 056

AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY CLAIMS PROCESSING SOLUTIONS/DBA: THE OLD MILL STORE TO PERMIT A BAR/TAVERN ON A PORTION OF APPROXIMATELY 0.3327 ACRE TRACTS LOCATED AT 314 WIMBERLEY SQUARE, WIMBERLEY, HAYS COUNTY, TEXAS, ZONED COMMERCIAL-HIGH IMPACT (C-3), AND IMPOSING CERTAIN CONDITIONS; AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS.

WHEREAS, an application for a Conditional Use Permit has been filed by Claims Processing Solutions, d/b/a: The Old Mill Store ("Applicant") requesting authorization to permit a Bar/Tavern on a portion of real property described as two tracts equaling approximately 0.3327 acres described as part of the ABS 461 Amasa Turner Survey, zoned Commercial-High Impact (C-3); and

WHEREAS, a Bar/Tavern is an authorized use in areas zoned Commercial-High Impact (C-3) upon the granting of a Conditional Use Permit; and

WHEREAS, after conducting a public hearing on the matter, the Planning and Zoning Commission recommended approval of the CUP application; and

WHEREAS, Applicant has submitted a Conditional Use Permit Application, site plan, and other necessary information, and has complied with the requirements of the Wimberley Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission and City Council have conducted public hearings on the Application for a Conditional Use Permit wherein public comment was received and considered on the Application; and

WHEREAS, the City Council finds that the additional use of the subject property for the sale of alcoholic beverages for on-premise consumption, is an appropriate use for the property and is a compatible use with the surrounding properties and neighborhoods.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WIMBERLEY, TEXAS:

ARTICLE I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Wimberley and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

ARTICLE II. APPROVAL - TERMS AND CONDITIONS

The CITY COUNCIL HEREBY GRANTS the Application for a Conditional Use Permit submitted by Claims Processing Solutions, d/b/a: The Old Mill Store ("Applicant") to permit a Bar/Tavern on a portion of real property described as 0.3327 acres part of the ABS 461 Amasa Turner Page Survey, as more particularly described on the metes and bounds shown on Exhibit "A", attached and incorporated by reference, zoned Commercial-High Impact (C-3), Wimberley, Hays County, Texas, subject to the following terms and conditions:

1. The use of the property for a Bar/Tavern shall be limited to the courtyard area located between the two existing buildings and building area, as designated on Exhibit "B", attached and incorporated by reference.
2. Applicant shall not commence development until it has secured all permits and approvals as required by the Wimberley zoning regulations, ordinances or any permits required by regional, State and Federal agencies.
3. This Ordinance only authorizes the additional use of a Bar/Tavern to the portion of the property depicted on Exhibit "B", as well as all applicable regulations in effect at the time of the submission of the building permit application. This Conditional Use Permit does not authorize any other use of the property, except as permitted under the Zoning Code.

ARTICLE III. ZONING DISTRICT MAP

The official Zoning District Map shall be revised to reflect the Conditional Use Permit established by this Ordinance.

ARTICLE IV. REPEALER

All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only to the extent of any such conflict.

ARTICLE V. SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

ARTICLE VI. EFFECTIVE DATE

This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

ARTICLE VII. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code, and the Standard Zoning Enabling Act, Chapter 211 of the Texas Local Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED by the Wimberley City Council on the 17th day of Dec., 2009 by a vote of 4 (Abstentions), 0 (Ayes) and 0 (Nays).

WIMBERLEY, TEXAS

By: _____
Tom Haley, Mayor

ATTEST:

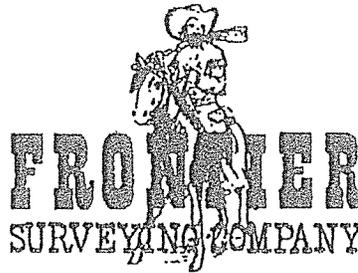
Cara McPartland
Cara McPartland, City Secretary

(SEAL)

APPROVED AS TO FORM:

C. Crosby, City Attorney

PARK TOWER • SUITE 502
710 BUFFALO ST.
CORPUS CHRISTI, TX 78401



OFFICE: 512-681-8044
FAX: 512-681-8340

FIELD NOTES DESCRIPTION

0.100 acres of land, known as Sable V as recorded in Volume 1055, Page 53 of the Deed Records of Hays County, Texas.

Being more fully described by metes and bounds as follows:

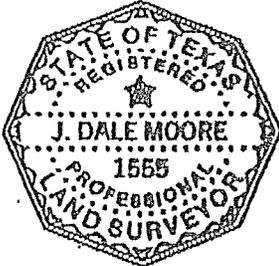
BEGINNING at iron rod set on a line of the Amasa Turner Survey No. 1 for the Southernmost corner of a 0.2327 acre tract from Elizabeth J. Stillman to Old Mill Store as recorded in Volume 1055, Page 53 of the Deed Records of Hays County, Texas, also being the Easternmost corner of this 0.100 acre tract.

THENCE: S 55° 35' 24" W – With said line of the Amasa Turner Survey No. 1, a distance of 38.38 feet to a iron rod set on a line of a certain tract from Fred E. Flocke to R. Flock for the Southernmost corner of this 0.100 acre tract.

THENCE: N 38° 20' 11" W – 110.25 feet to an iron rod found for the Westernmost corner of this 0.100 acre tract.

THENCE: N 51° 24' 10" E – 39.95 feet to an iron rod found for the Northernmost corner of this 0.100 acre tract, also being a corner of said 0.2327 acre tract.

THENCE: S 37° 29' 44" E – With the Southwestern line of said 0.2327 acre tract, a distance of 113.07 feet to the **PLACE OF BEGINNING** and containing 0.100 acres of land, more or less.



February 3, 1999
WP-3743B

J. Dale Moore

J. Dale Moore
Registered Professional Land Surveyor
License Number 1555

Exhibit "A"

PARK TOWER • SUITE 502
710 BUFFALO ST.
CORPUS CHRISTI, TX 78401



OFFICE: 512-881-8044
FAX: 512-881-8340

FIELD NOTES DESCRIPTION

0.2327 acres of land, from Elizabeth J. Stillman to Old Mill Store as recorded in Volume 1055, Page 53 of the Deed Records of Hays County, Texas.

Being more fully described by metes and bounds as follows:

BEGINNING at an iron pipe found for the North corner of this 0.2327 acre tract, also being a corner of 7-C's Partnership to Calkins Interest, LTD 0.92 acres and 2.26 acres as recorded in Volume 1310, Page 258 of the Deed Records of Hays County, Texas.

THENCE: S 38° 28' 23" E - With a line of said 0.92 and 2.26 acre tract, a distance of 125.78 feet to an iron pipe found for the Easternmost corner of this 0.2327 acre tract, also being a corner of said 0.926 and 2.26 acre tract.

THENCE: S 53° 17' 20" W - With a line of said 0.92 and 2.26 acre tract, a distance of 82.59 feet to an iron rod set for the Southernmost corner of this 0.2327 acre tract also being the East corner of Sable V as recorded in Volume 1055, Page 53 of the Deed Records of Hays County, Texas .

THENCE: N 37° 29' 44" W - 113.07 feet to an iron rod found for the North corner of said Sable V, also being a corner of this 0.2327 acre tract.

THENCE: N 51° 24' 10" E - 1.78 feet to a point for a corner of this 0.2327 acre tract.

THENCE: N 39° 27' 39" W - 10.33 feet to an iron pipe found for the Westernmost corner of this 0.2327 acre tract.

THENCE: N 51° 38' 00" E - 79.01 feet to the **PLACE OF BEGINNING** and containing 0.2327 acres of land.

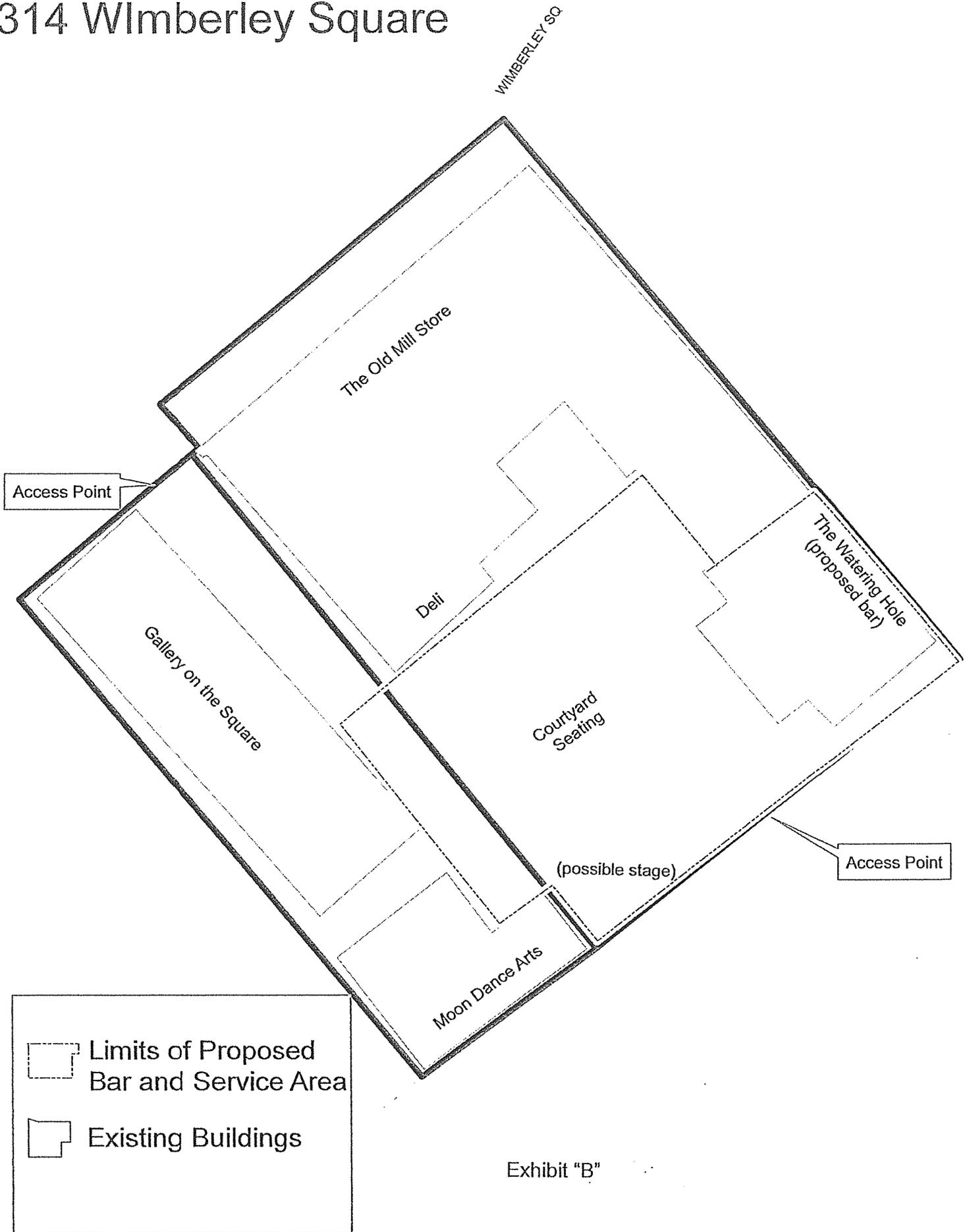


February 3, 1999
WP-3743A

J. Dale Moore

J. Dale Moore
Registered Professional Land Surveyor
License Number 1555

Site Plan for CUP-09-012 314 Wimberley Square



Stephen Klepfer
The Old Mill Store
PO Box 708, Wimberley TX 78676

City Administrator Don Ferguson
City of Wimberley
PO Box 2027
Wimberley, TX 78676

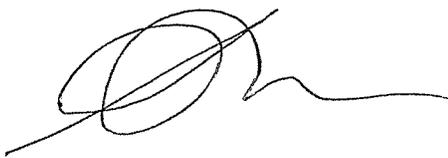
4/22/2016

Re: CUP 09-012 Amendment

Dear Mr. Ferguson,

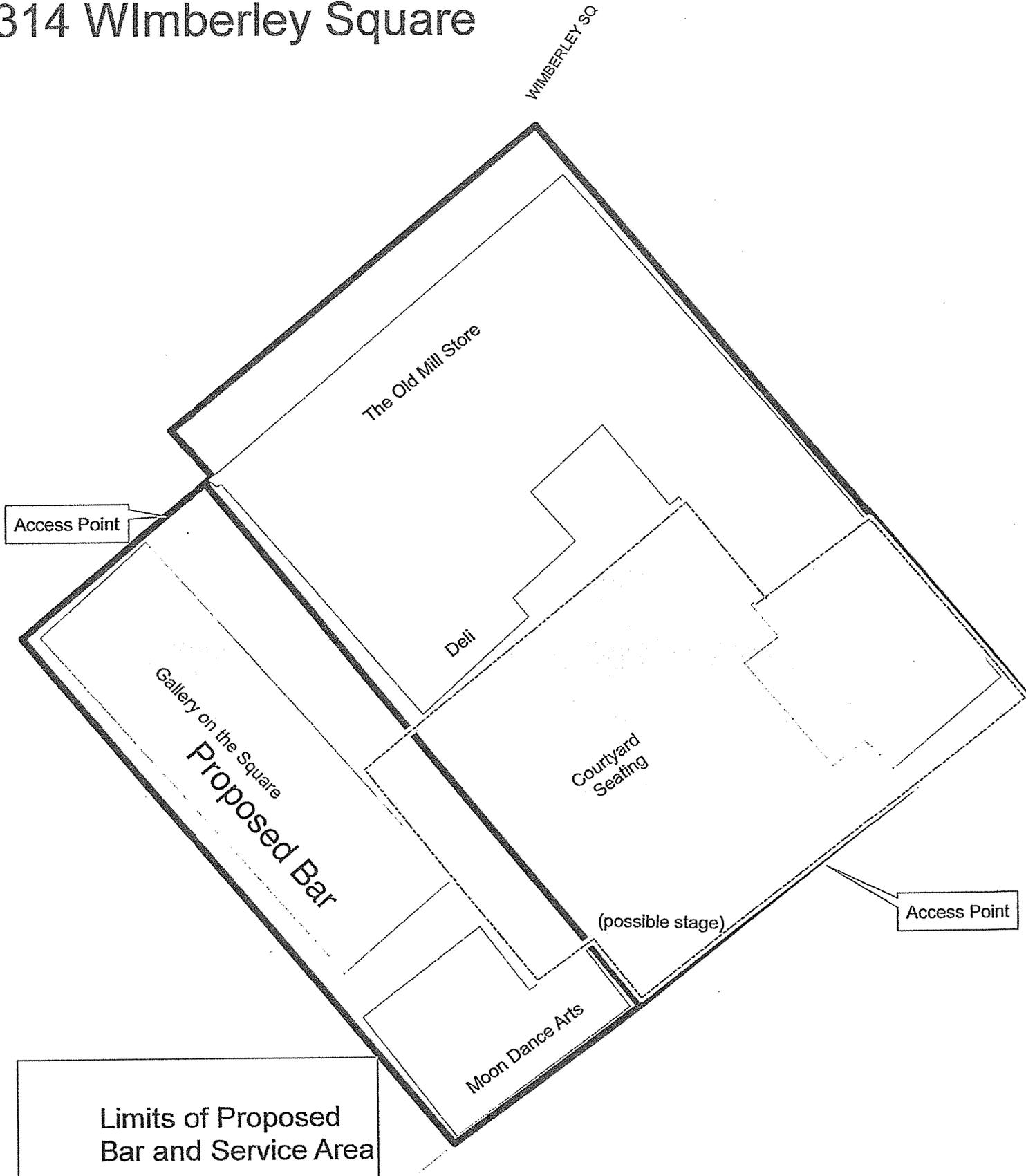
This letter is a written request for a minor amendment to The Old Mill Store's CUP 09-012, City of Wimberley Ordinance No. 2009-056. I am requesting a change to the limits of proposed service area as shown in Exhibit "B". I have included an Amended Exhibit "B" showing the change in service area requested.

Thank you for your attention to this request.

A handwritten signature in black ink, appearing to read 'Stephen Klepfer', with a long horizontal flourish extending to the right.

Stephen Klepfer, Owner
The Old Mill Store

Site Plan for CUP-09-012 314 Wimberley Square

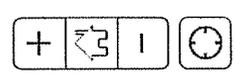


Limits of Proposed Bar and Service Area

Existing Buildings

Amendment to
Exhibit "B"

Details
+ Add
Basemap
Save
Share
Print
Measure
Bookmarks
314 Wimberley Square, Wimberley, Texas, USA



Legend

Zoning

- C2
- L2
- C1
- PR2
- PR1
- L1
- C3
- O1
- PF
- SC
- NS
- O2
- R2
- PPU
- HC

Zoning

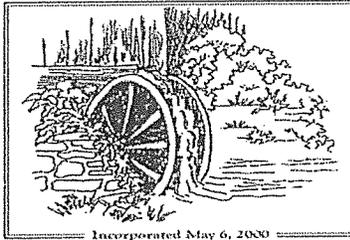
- R2
- R1

Zoning

- R2
- R1



(1 of 2)
District
C3
Zoom to



City of Wimberley

221 Stillwater, P.O. Box 2027, Wimberley, Texas 78676

Phone: (512) 847-0025 - Fax: (512) 847-0422

www.cityofwimberley.com

Mac McCullough, Mayor

Council Members - Bob Dussler, Craig Fore, Sally Trapp, Gary Barchfeld & John D. White
City Administrator - Don Ferguson

May 17, 2016

NOTICE OF PUBLIC HEARING

Re: **Amendment of Ordinance No. 2009-056**
314 Wimberley Square, Wimberley, Texas

Dear Property Owner:

You are receiving this letter because you own property within 200 feet of the above-referenced location.

The applicant, Claim Processing Solutions, Inc. dba The Old Mill Store, has applied for an amendment to Ordinance No. 2009-056 to modify the limits of the service area for a bar/tavern on property zoned Commercial – High Impact (C-3) located at 314 Wimberley Square, Wimberley, Texas.

The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, June 9, 2016 at 6:00 p.m.** in the Wimberley City Hall, 221 Stillwater. Upon a recommendation from the Commission, City Council will hold a public hearing to consider the same request on **Thursday, June 16, 2016, at 6:00 p.m.** in the Wimberley City Hall.

Because the granting of this request may affect your property, you are encouraged to participate in the zoning process. The public will be given an opportunity to speak during the hearing. If you wish to comment but are unable to attend, written comments may be submitted to the City Administrator prior to the meeting.

Additional information regarding the proposed zoning is available for public review at City Hall during normal business hours. Should you have questions, please contact the City Administrator at 512-847-0025.

CITY OF WIMBERLEY

Properties within 200' of 314 Wimberley Square:

R18453
104 Wimberley Square Ltd
P.O. Box 47
Wimberley, TX 78676-0047

R18546 (110 Oak Dr)
Marcilia L. Anderson
c/o Wimberley Children's Center
P.O. Box 2110
Wimberley, TX 78676-2110

R18401 (13915 RR 12)
Stephen A. & Sarah Barlow
832 E. Summit Dr.
Wimberley, TX 78676-9400

R132436 (320 Wimberley Sq)
RPS Realty LLC
P.O. Box 229
Wimberley, TX 78676-0229

R132437 (109 Oak Dr)
Calkins Interests Ltd
10000 Memorial Dr., Ste. 650
Houston, TX 77024-3417

R18381 (14011 RR 12)
Janet Bryan-Cisneros
335 Dakota Mountain Dr.
Dripping Springs, TX 78620

R18465 (13904 RR 12)
Double LC Partners One Ltd.
c/o Double LC Management, Inc.
4301 Lone Man Mountain Rd.
Wimberley, TX 78676

R18396 (112 Wimberley Sq)
Gary J. & Patricia C. Kelly
206 Blanco Dr.
Wimberley, TX 78676-5201

R18428 (310 Wimberley Sq)
Robert A. & Jenelle L. Flocke
P.O. Box 1315
Wimberley, TX 78676-1315

R18499 (306 Wimberley Sq)
Leotam Assets Ltd. &
Suhmgrila Partners Ltd.
1211 W. 9th St.
Austin, TX 78703-4925

R18537 (106 Wimberley Sq)
Anna R. & Tommy Jack Hopkins
21231 Park Bend Dr.
Katy, TX 77450-4144

R18404
Karb Family Partnership Ltd.
201 Wimberley Sq.
Wimberley, TX 78676

R18457 (180 Oak Dr.)
Joy Lane
P.O. Box 42
Wimberley, TX 78676-0042

R18458 (180 Oak Dr.)
Joy Lane & Berry Dot Lane
P.O. Box 42
Wimberley, TX 78676-0042

R18463 (114 Wimberley Sq)
Carl & Juanita Marie Leinneuber
P.O. Box 1983
Wimberley, TX 78676

R18400 (13911 RR 12)
Wimberley Ways LLC
P.O. Box 2850
Wimberley, TX 78676-7750

R18398 (101 Wimberley Sq)
Herschel & Robinette McCullough
101-A Wimberley Square
Wimberley, TX 78676

R18399
Herschel & Robinette McCullough
101-A Wimberley Square
Wimberley, TX 78676

R18462 (Oak St)
103 & 107 Oak LLC
700 Water Park Rd.
Wimberley, TX 78676-5870

R18380
Laura Romano
P.O. Box 607
Wimberley, TX 78676

R18383 (116 Wimberley Sq)
Senior Citizens Craft Shop of Wimberley, Inc.
P.O. Box 1174
Wimberley, TX 78676-1174

R18567 (303 Wimberley Square)
Effat Shekarforoosh
P.O. Box 397
Wimberley, TX 78676-0397

R18480 (13901-A RR 12)
Gay B. Sullivan
1842 Flite Acres Rd.
Wimberley, TX 78676

R18424 (14000 RR 12)
Joyce Webb Tate
148 Champion Circle
Wimberley, TX 78676

R18391 (100 Oak Dr)
Phillip M. & Mary L. Van Ostrand
12 Brookside Dr.
Wimberley, TX 78676

R18434 (13811 RR 12)
Bell Showalter Interests LLC
501 Woodcreek Ranch Rd.
Wimberley, TX 78676-5571

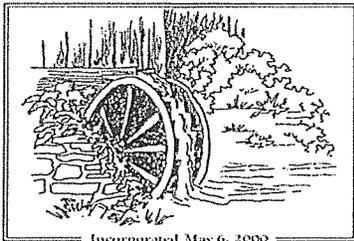
R18508 (13909 RR 12)
Wimberley Patio Building LLC
P.O. Box 2850
Wimberley, TX 78676-2850

R18513 (14015 RR 12)
Wimberley Quarter LLC
1112B River Mountain Rd.
Wimberley, TX 78676-6088

R18425 (13900 RR 12)
Wimberley RR 12 LLC
26480 Peden
Magnolia, TX 77355

NOTICE OF PUBLIC HEARING
(Amendment of Ordinance No. 2009-056)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on **Thursday, June 9, 2016 at 6:00 p.m.** to consider the following: an application to amend Ordinance No. 2009-056 to modify the limits of the service area for a bar/tavern on property zoned Commercial – High Impact (C-3) located at 314 Wimberley Square in Wimberley, Hays County, Texas. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on **Thursday, June 16, 2016, at 6:00 p.m.** at City Hall. Comments on this request from any member of the public may be presented in person or by mail (P.O. Box 2027) at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas.



City of Wimberley

221 Stillwater, P.O. Box 2027, Wimberley, Texas, 78676

Phone: (512) 847-0025 - Fax: (512) 847-0422

E-mail: village@wimberley-tx.com - Web: www.cityofwimberley.com

NOTICE BY SIGN POSTING

Zoning No: 2A-2009-056 Owner _____

Date 5/17/16

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

() Project Site Address 314 Wimberley Square
which is located _____

Bill Bowers
Asst. Public Works

Note: The above-referenced sign was placed on the subject property on

5/17/16, 2016



Signature

ORDINANCE NO. 2016-__

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS AMENDING ORDINANCE NO. 2009-056, WHICH GRANTED AN APPLICATION FOR A CONDITIONAL USE PERMIT TO ALLOW FOR THE OPERATION OF A BAR/TAVERN ON PROPERTY LOCATED AT 314 WIMBERLEY SQUARE, WIMBERLEY, HAYS COUNTY, TEXAS, IN ORDER TO AMEND THE SITE PLAN; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; SEVERABILITY; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the regulations established by Chapter 155 (Zoning) of the Wimberley Code of Ordinances, as amended, (the "Code"), are specifically designed to lessen congestion in the streets; secure safety from fire, panic, and other dangers; promote health and general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public facilities; and

WHEREAS, in the course of adopting the regulations established by the Code, the Planning and Zoning Commission and City Council have given careful consideration to the unique qualities of the City, including the demographics of its inhabitants, the community's history, geography, natural resources, existing structures, property values, workforce, education level, commercial base, surrounding communities, public facilities, and infrastructure; and

WHEREAS, the regulations established by the Code have been adopted with reasonable consideration, among other things, for the character of each district and its peculiar suitability for the particular uses, with a view of conserving property values and encouraging the most appropriate use of land in the City; and

WHEREAS, the regulations established by the Code and in this Ordinance are in furtherance of the public interest, for the good government, peace, order, trade and commerce of the City, and necessary and proper for carrying out the power granted by law to the City; and

WHEREAS, the following enactments are a valid exercise of the City's broad police powers and based upon the City's statutory regulatory authority, including but not limited to Texas Local Government Code Chapters 51, 52, and 211; and

WHEREAS, on December 17, 2009, the City Council approved Ordinance No. 2009-056, approving a Conditional Use Permit to allow for the operation of a bar/tavern on property zoned Commercial-High Impact (C-3); and

WHEREAS, the property owner has submitted an application requesting an amendment to modify the location of the bar on the site plan, as described herein; and

WHEREAS, parties in interest and citizens have had an opportunity to be heard at public hearings conducted by the Planning and Zoning Commission and City Council, notice of which

was published in the City's official newspaper before the 15th day before the first public hearing and agendas for each hearing were posted at City Hall more than seventy-two (72) hours prior to the respective hearing;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WIMBERLEY, HAYS COUNTY, TEXAS:

ARTICLE I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Wimberley and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

ARTICLE II. AMENDMENT

THAT Ordinance No. 2009-056, which grants a Conditional Use Permit for the operation of a bar/tavern on property located at 314 Wimberley Square, Wimberley, Hays County, Texas, is hereby amended to include the modified site plan attached here to.

Except as amended herein, Ordinance No. 2009-056, as amended, shall remain in full force and effect.

ARTICLE III. SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

ARTICLE IV. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

ARTICLE V. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code, and the Standard Zoning Enabling Act, Chapter 211 of the Texas Local Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED this ___ day of _____, 2016, by a vote of ___ (Ayes)
to ___ (Nays) ___ (Abstain) vote of the City Council of the City of Wimberley, Texas

CITY OF WIMBERLEY

BY: _____
Herschel "Mac" McCullough, Mayor

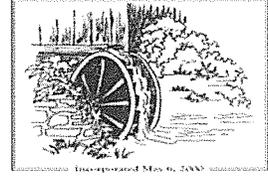
ATTEST:

Cara McPartland, City Secretary

APPROVED AS TO FORM:

Catherine Fryer, City Attorney

Report for ZA-16-001



Summary:

A request to change the zoning of property located at 703 FM 2325 from Commercial – Low Impact (C-1) to Commercial – Moderate Impact (C-2)

Applicant Information:

Applicants:

Texan Car Wash LLC
16 Chisholm Trail
Wimberley, TX 78676

Property Owners:

Texan Car Wash LLC (J. Steven Weldon)

Subject Property:

Legal Description:

ABS 365 Benjamin Page Survey 0.51 acre/22,216 square feet

Location:

703 FM 2325

Existing Use of Property:

Commercial; drive-in/drive through car wash

Existing Zoning:

Commercial – Low Impact (C-1)

Proposed Use of Property:

Commercial; drive-in/drive through car wash

Proposed Zoning:

Commercial – Moderate Impact (C-2)

Planning Area

IV

Overlay District

Entrance Corridor Overlay District

Surroundings:

Frontage On:

FM 2325

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	C-1	Commercial
S of Property	C-1	Commercial
E of Property	C-1	Commercial
W of Property	C-1	Commercial

Legal Notice

200' Letters:

5/17/16

Published:

5/12/16

Sign Placement:

5/17/15

Responses:

None

Comments:

The applicant, J. Steven Weldon, is seeking to change the zoning of an approximately .51 acre tract of land located 703 FM 2325 from Commercial – Low Impact (C-1) to Commercial – Moderate Impact (C-2). The subject property is located in Planning Area IV and lies within the boundaries of the Entrance Corridor Overlay District.

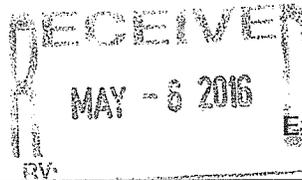
The subject property is the current location of the *Texan Car Wash*, which has for many years operated as a pre-existing, non-conforming use.

In May 2016, City Council moved the property and others along FM 2325 from Planning Area III to Planning IV. This move created an opportunity for the property owner to pursue the zoning actions necessary to bring the car wash into compliance with the City's Zoning Code. The first required action is to request the property be rezoned from C-1 to C-2. That is the subject of this zoning case.

Once the property is rezoned, the applicant must secure a Conditional Use Permit (CUP) required for cash wash facilities. The CUP request is the subject of a companion zoning case that will be heard by the Council later on this agenda.

To date, no comments either for or against the requested zoning change have been received.

The Planning and Zoning Commission is scheduled to hold a public hearing and consider making a recommendation on the requested zoning change on June 9, 2016. That recommendation will be presented to City Council in advance of the Council meeting under separate cover for review and consideration.



Expanded (Commercial)

FOR OFFICIAL USE ONLY

APPLICATION DATE: 5-6-2016 FILE NO. ZA-16-001
 TENTATIVE P&Z HEARING: 6/9/16 TENTATIVE COUNCIL HEARING: 6/16/16
 CITY INITIATED: YES - NO PLANNING AREA: IV ZONING REQUESTED: C-2
 ZONING FEES: \$ _____ DATE PAID: _____ RECEIVED BY: _____

APPLICATION FOR COMMERCIAL ZONING
 NON-RESIDENTIAL, MULTI-FAMILY DEVELOPMENTS, MOBILE HOME DEVELOPMENTS

OWNER, AGENT AND PROJECT DATA

STREET ADDRESS OF PROPERTY TO BE ZONED: 703 FM 2325 Wimberley, Texas HAYS COUNTY CENTRAL APPRAISAL DISTRICT PROPERTY ID#: R 17154 **

* New street addresses can be obtained by calling (512) 393-2160
 ** This number may be obtained this from your property tax statement or HCAD's website.

PLEASE PROVIDE DIRECTIONS TO YOUR PROPERTY:

TEXAS CAR WASH FM 2325, Wimberley TX.

NOTE: Please clearly mark your property so it is easily identifiable.

1. OWNER'S NAME: J. STEVEN WELDON HOME PHONE: (512) 751-4729
 BUSINESS PHONE: () same
 FAX: () _____
 E-MAIL: _____

OWNER'S CURRENT MAILING ADDRESS: 16 Christina Trail CITY Wimberley STATE TX ZIP 78676
 EMAIL: _____

2. AGENT'S NAME: _____ AGENT'S PHONE: () _____
 FAX: () _____
 AGENT'S FIRM NAME: _____ E-MAIL: _____

AGENT'S FIRM MAILING ADDRESS: _____ CITY _____ STATE _____ ZIP _____
 EMAIL: _____

PROPERTY INFORMATION

3. TOTAL AREA TO BE ZONED: ACRES 0.51 (OR) SQ.FT. 22,216 TOTAL NO. of TRACTS: 1

4. PLANNING AREA(S): TJ 5. REQUESTED ZONING CLASSIFICATION: C-2

PROPOSED USE(S): CAR WASH

6. EXISTING ZONING CLASSIFICATION(S) AND USES (if applicable): C-1

7. LEGAL DESCRIPTION R 17154 ABS 365 Benjamin Page Survey 0.51
GEO # 90603000

Street Address: 703 FM 2325 Subdivision: _____

Block(s) C - WIM - 2325 Lot(s) _____

Plat Book: _____ Page Number: _____

8. DEED RECORDS: (REFERENCE OF DEED CONVEYING PROPERTY TO THE PRESENT OWNER):

VOLUME: _____ PAGE: _____ OF COUNTY PLAT RECORDS

9. OTHER PROVISIONS

A. IS PROPERTY IN AN OVERLAY DISTRICT? YES NO _____ UNKNOWN

TYPE OF OVERLAY ZONE(S) (if applicable) FLOOD

B. FLOOD PLAIN (What, if any, flood zone does your property occupy?): ?

C. ELECTRIC UTILITY PROVIDER: PEC

WATER UTILITY PROVIDER: Wumberley Water

WASTEWATER UTILITY PROVIDER: _____

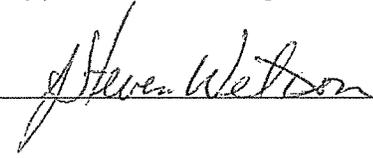
HAYS COUNTY SEPTIC PERMIT NUMBER (if applicable): _____

Related Cases, If Applicable

- Zoning File No. _____
- Building Permit File No. _____
- Subdivision File No. _____
- Sign Permit File No. _____
- Engineered construction File No. _____

SITE INSPECTION AUTHORIZATION

Applicant/owner, or Applicant's authorized agent, hereby authorizes the City of Wimberley representatives to visit and inspect the property for which this application is being submitted.

Date: 5-6-2016 APPLICANT SIGNATURE 

WHEN APPLICABLE:

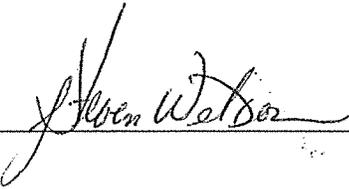
Date: _____ AGENT SIGNATURE _____

**ACKNOWLEDGMENT OF EXISTING
Subdivision Plat Notes, Deed Restrictions Restrictive Covenants
and/or Zoning Conditional Use Permits**

I, the Applicant herein, have checked the subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional use permits prohibiting certain uses and/or requiring certain development restrictions (for example, height, access, screening) on the property now being zoned on my behalf and located at: 703 FM 2325 Wimberley TX 78676 and more particularly known as Lot _____, Block _____ of the _____ Subdivision.

If a conflict should result with the request I am submitting to the City of Wimberley due to subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional use permits it will be my responsibility to resolve it. I also acknowledge that I understand the implications of use and/or development restrictions that are a result of subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional use permits.

I understand that if requested, I must provide copies of any and all subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional use permit information, which may apply to this property.

Date: 5-6-2016 APPLICANT SIGNATURE 

WHEN APPLICABLE:

Date: _____ AGENT SIGNATURE _____

SUBMITTAL CHECKLIST

TO ENSURE THAT YOU HAVE COMPLIED WITH THE ZONING APPLICATION REQUIREMENTS, REVIEW THE FOLLOWING LIST. FAILURE TO COMPLETE THE NECESSARY STEPS CAN CAUSE A DELAY IN PROCESSING YOUR APPLICATION.

- Complete "Application For Zoning"
- Provide plat map of property to be zoned which includes all properties within 200 feet of any portion of Applicant's property; and which clearly indicates streets in surrounding area.
- Provide plat map of the specific property to be zoned.
- Provide names and addresses of property owners within 200 feet of any portion of Applicant's property.
- Provide a legal description of the property to be zoned.
- Sign/date Submittal Verification form.
- Sign/date Site Inspection Authorization form.
- Sign/date Acknowledgement Form.
- Pay Zoning Fee (this fee is based on the cost of services incurred by the City of Wimberley in reviewing, processing and recording the zoning request).
- Applicant agrees to attend a pre-zoning conference prior to acceptance of Application.
- Applicant agrees to attend Planning & Zoning Commission hearings scheduled for Applicant's proposed zoning.
- Applicant agrees to attend City Council hearing scheduled for Applicant's proposed zoning or waives his/her rights of appearance (see below).

SUBMITTAL VERIFICATION AND/OR WAIVER OF APPEARANCE

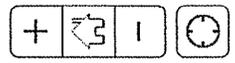
- () My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that City review of this Application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me, my firm, or agent, may delay the review of the Application.
- () I hereby waive my right to appear before the City of Wimberley City Council at the public hearing to be held concerning the zoning of my above-referenced property. I understand that my failure to appear allows the Council to consider my zoning request; however, if questions are raised that cannot be answered, the matter will be continued.

Date: _____ APPLICANT SIGNATURE _____

WHEN APPLICABLE:

Date: _____ AGENT SIGNATURE _____

Details
+ Add
Basemap
Save
Share
Print
Measure
Bookmarks
703 FM 2325, Wimberley, Texas, USA



Legend

Zoning

- C2
- L2
- C1
- PR2
- PR1
- L1
- C3
- O1
- PF
- SC
- NS
- O2
- R2
- PPU
- HC

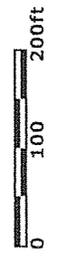
Zoning

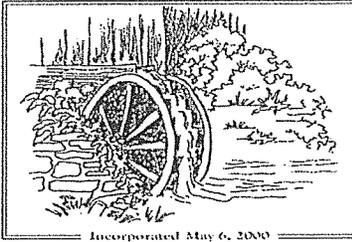
- R2
- R1

Zoning



(1 of 2)
District
C1
Zoom to





City of Wimberley

221 Stillwater, P.O. Box 2027, Wimberley, Texas 78676

Phone: (512) 847-0025 - Fax: (512) 847-0422

www.cityofwimberley.com

Mac McCullough, Mayor

Council Members - Bob Dussler, Craig Fore, Sally Trapp, Gary Barchfeld & John D. White

City Administrator - Don Ferguson

May 17, 2016

NOTICE OF PUBLIC HEARING

Re: **File Numbers ZA-16-001 & CUP-16-013**
703 FM 2325, Wimberley, Texas

Dear Property Owner:

You are receiving this letter because you own property within 200 feet of the above-referenced location.

The applicant, J. Steven Weldon, has requested to change the zoning from Commercial – Low Impact (C-1) to Commercial – Moderate Impact (C-2) for property located at 703 FM 2325, Wimberley, Texas, and also has applied for a Conditional Use Permit to allow for a drive-in/drive-through car wash facility on property located at 703 FM 2325, Wimberley, Texas.

The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, June 9, 2016 at 6:00 p.m.** in the Wimberley City Hall, 221 Stillwater. Upon a recommendation from the Commission, City Council will hold a public hearing to consider the same request on **Thursday, June 16, 2016, at 6:00 p.m.** in the Wimberley City Hall.

Because the granting of this request may affect your property, you are encouraged to participate in the zoning process. The public will be given an opportunity to speak during the hearing. If you wish to comment but are unable to attend, written comments may be submitted to the City Administrator prior to the meeting.

Additional information regarding the proposed zoning is available for public review at City Hall during normal business hours. Should you have questions, please contact the City Administrator at 512-847-0025.

CITY OF WIMBERLEY

aw.

Wimberley Lions Club
P.O. Box 1749
Wimberley, TX 78676

Tony & Helen Saucedo
402 High Mesa Dr.
Wimberley, TX 78676

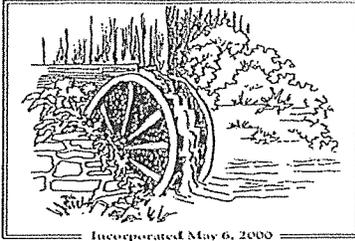
Casbar Properties LLC
300 Cypress Creek Ln.
Wimberley, TX 78676

Bernice Domsch
c/o David Domsch
P.O. Box 165
Poteet, TX 78065-0165

CUP-16-013 drive in/thru car wash
ZA-16-01 CI to CZ

NOTICE OF PUBLIC HEARING
(Requests for Zoning)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on **Thursday, June 9, 2016 at 6:00 p.m.** to consider the following: Case ZA-16-001, a request to change the zoning from Commercial – Low Impact (C-1) to Commercial – Moderate Impact (C-2) for property located at 703 FM 2325 in Wimberley, Hays County, Texas. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on **Thursday, June 16, 2016, at 6:00 p.m.** at City Hall. Comments on this request from any member of the public may be presented in person or by mail (P.O. Box 2027) at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas.



City of Wimberley

221 Stillwater, P.O. Box 2027, Wimberley, Texas, 78676
Phone: (512) 847-0025 - Fax: (512) 847-0422
E-mail: village@wimberley-tx.com - Web: www.cityofwimberley.com

NOTICE BY SIGN POSTING

Zoning No: ZA-6-001

Owner _____

Date 5/17/16

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

() Project Site Address 703 FM 2325

which is located on FM 2325

Bill Bowers
Asst. Public Works

Note: The above-referenced sign was placed on the subject property on

5/17, 2016

Bill Bowers
Signature

ORDINANCE NO. 2016-____

AN ORDINANCE OF THE CITY OF WIMBERLEY, AMENDING SECTION 155 (ZONING), APPENDIX F, OF THE CODE OF WIMBERLEY, DESIGNATING GEOGRAPHIC BOUNDARIES FOR A PARTICULAR ZONING DISTRICT AND CLASSIFICATION FOR PROPERTY LOCATED AT 703 FM 2325, WIMBERLEY, HAYS COUNTY, TEXAS, DESIGNATING SUCH PROPERTY FROM COMMERCIAL-LOW IMPACT (C-1) TO COMMERCIAL-MODERATE IMPACT (C-2); AND PROVIDING FOR THE FOLLOWING: DELINEATION ON ZONING MAP; SEVERABILITY; EFFECTIVE DATE AND PROPER NOTICE AND MEETING.

WHEREAS, the regulations established by Section 155 (Zoning), as amended, (the “Code”) are specifically designed to lessen congestion in the streets; secure safety from fire, panic, and other dangers; promote health and general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public facilities; and

WHEREAS, in the course of adopting the regulations established by the Code, the Planning and Zoning Commission and City Council gave careful consideration to the unique qualities of the City, including the demographics of its inhabitants, the community’s history, geography, natural resources, existing structures, property values, workforce, education levels, commercial base, surrounding communities, public facilities and infrastructure; and

WHEREAS, the regulations established by the Code have been adopted with reasonable consideration, among other things, for the character of each district and its peculiar suitability for the particular uses; with a view of conserving property values and encouraging the most appropriate use of land in the City; and

WHEREAS, the regulations established by the Code are in furtherance of the public interest, for the good government, peace, order, trade and commerce of the City and necessary and proper for carrying out the power granted by law to the City; and

WHEREAS, the following enactments are a valid exercise of the City’s broad police powers and based upon the City’s statutory regulatory authority, including but not limited to Texas Local Government Code Chapters 51, 52, and 211; and

WHEREAS, the City Council and Planning and Zoning Commission have carefully reviewed the requirements of the City’s Code of Ordinances and have concluded that the requested zoning designation is consistent with established City policy and in the public interest; and

WHEREAS, parties in interest and citizens have had an opportunity to be heard at public hearings conducted by the Planning and Zoning Commission and City Council, notice of which was published in the City’s official newspaper before the 15th day before the first public hearing and agendas for each hearing were posted at City Hall more than seventy-two (72) hours prior to the respective hearing.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WIMBERLEY, HAYS COUNTY, TEXAS:

ARTICLE I. AMENDMENT

Section 155 (Zoning) of the Code of Wimberley is hereby amended by adding the following language to Appendix F to read as follows, which shall be incorporated into and made part of Section 155 (Zoning), and given full weight and effect:

Appendix F: Zoning District Designations

The City Council of the City of Wimberley has divided the City into the zoning districts as follows. The applicable use, height, area and development regulations adopted by the City shall apply to each district. The following geographic boundaries of the zoning districts for the properties listed below are hereby established as follows:

THAT the real property consisting of one (1) tract, approximately 0.51 acres, in Wimberley, Hays County, Texas, commonly known as 703 FM 2325, and more particularly described by the survey on the attached Exhibit "A", incorporated by reference for all purposes, is hereby designated from Commercial-Low Impact (C-1) to Commercial-Moderate Impact (C-2) zoning classification.

Except as expressly amended herein, Appendix F shall remain in full force and effect.

ARTICLE II. ZONING DISTRICT MAP

The official Zoning District Map shall be revised to reflect the zoning district boundary established by this Ordinance.

ARTICLE III. SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

IV. EFFECTIVE DATE

This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

ARTICLE V. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code, and the Standard Zoning Enabling Act, Chapter 211 of the Texas Local Government Code. Notice was also provided as required by Chapter 52 of the Texas Local

Government Code.

PASSED AND APPROVED this _____ day of _____, 2016, by _____ (Ayes) to _____ (Nays) _____ (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY

BY: _____
Herschel "Mac" McCullough, Mayor

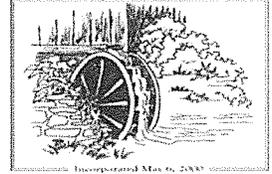
ATTEST:

Cara McPartland, City Secretary

APPROVED AS TO FORM:

Catherine B. Fryer, City Attorney

Report for CUP-16-013



Summary:

An application for a Conditional Use Permit for a drive-in/drive through car wash facility located at 703 FM 2325

Applicant Information:

Applicants:

Texan Car Wash LLC
16 Chisholm Trail
Wimberley, TX 78676

Property Owners:

Texan Car Wash LLC (J. Steven Weldon)

Subject Property:

Legal Description:

ABS 365 Benjamin Page Survey 0.51 acre/22,216 square feet

Location:

703 FM 2325

Existing Use of Property:

Commercial; drive-in/drive through car wash

Existing Zoning:

Commercial – Moderate Impact (C-2) (*Companion zoning application*)

Proposed Use of Property:

Commercial; drive-in/drive through car wash

Proposed Zoning:

Commercial – Moderate Impact (C-2) with CUP

Planning Area

IV

Overlay District

Entrance Corridor Overlay District

Surroundings:

Frontage On:

FM 2325

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	C-1	Commercial
S of Property	C-1	Commercial
E of Property	C-1	Commercial
W of Property	C-1	Commercial

Legal Notice

200' Letters:

5/17/16

Published:

5/12/16

Sign Placement:

5/17/15

Responses:

None

Comments:

The applicant, J. Steven Weldon, has submitted an application for a Conditional Use Permit (CUP) to operate a drive-in/drive-through car wash facility at 703 FM 2325. The subject property is in Planning Area IV and lies within the boundaries of the Entrance Corridor Overlay District.

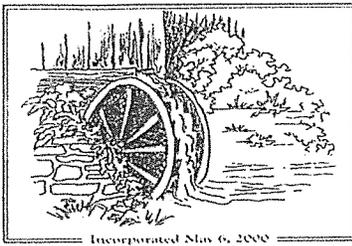
The subject property is the current location of the *Texan Car Wash*, which has for many years operated as a pre-existing, non-conforming use.

In May 2016, City Council moved the property and others along FM 2325 from Planning Area III to Planning IV. This move created an opportunity for the property owner to pursue the zoning actions necessary to bring the car wash into compliance with the City's Zoning Code. The first required action is to request the property be rezoned from C-1 to C-2. That was the subject of a companion zoning case previously heard by the Council on this agenda.

In addition to rezoning the property, the applicant must secure a CUP required for cash wash facilities. The CUP request is the subject of this zoning case. The applicant plans to upgrade the existing car facilities and add an automatic wash bay.

To date, no comments either for or against the requested zoning change have been received.

The Planning and Zoning Commission is scheduled to hold a public hearing and consider making a recommendation on the CUP request on June 9, 2016. That recommendation will be presented to City Council in advance of the Council meeting under separate cover for review and consideration.

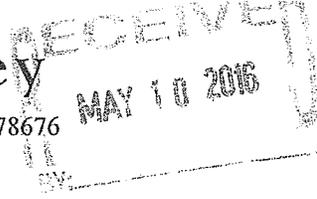


City of Wimberley

221 Stillwater Drive, P.O. Box 2027, Wimberley, TX 78676

Phone (512) 847-0025 Fax (512) 847-0422

www.cityofwimberley.com



CONDITIONAL USE PERMIT APPLICATION

No. CUP 16 - 013

FOR OFFICIAL USE ONLY

Application Date: 5/10/16 Tentative P&Z Hearing: 6/9/16 Tentative Council Hearing: 6/16/16

FEES: \$400.00 DATE PAID: 5/10/16 CHECK NO. 2114 REC'D BY WA

PROJECT SITE ADDRESS: 703 Fm 2325 Wimberley, TX 78676

OWNER/APPLICANT J. STEVEN WELDON PHONE (512) 251-4729

MAILING ADDRESS: 16 Chisholm Trail

CITY: Wimberley STATE: TX ZIP: 78676

APPLICANT UNDERSTANDS that the purpose of the Conditional Use Permit (CUP) process is to allow certain uses which are not specific; permitted uses within a zoning district. To be considered for a CUP, the requested use must be listed under "Conditional Uses" within the applicable zoning district.

SPECIFIC CONDITIONAL USE REQUESTED: (e.g. Bed & Breakfast Lodging, Vacation Rental)

CAR WASH - Automatic

Planning Area B IV Zoning C-2 Total Acreage or Sq. Ft. 22,216

Subdivision: _____ Lot _____ Block _____

Appraisal District Tax ID #: R 17154

Deed Records Hays County: Volume 3541 Page 787

Is property located in an overlay district? Yes () No If Yes, type: ENTRANCE CORRIDOR

Is property located in flood plain? () Yes No

UTILITY PROVIDERS:

Electric Provider: PEC

Water Provider or Private Well: Wimberley Water

Wastewater Service Provider or Hays County Septic Permit No: _____

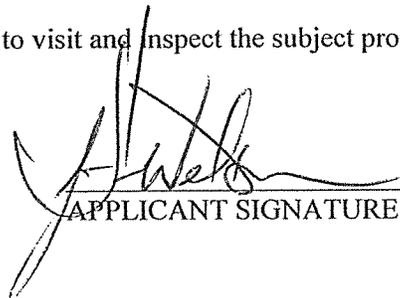
MY REQUEST IS BASED ON THE FOLLOWING:

- The use is harmonious and compatible with surrounding existing uses or proposed uses, and does not adversely affect an adjoining site than would a permitted use;
- The use requested by the applicant is set forth as a conditional use in the base district;
- The nature of the use is reasonable;
- The conditional use does not adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area;
- The conditional use does not adversely affect an adjacent property by its resulting traffic through the location, or its lighting, or its type of sign; and
- That any additional conditions specified, if any, ensure that the intent and purposes of the base district are being upheld.

ADDITIONAL REQUIREMENTS/DOCUMENTATION

- Metes and bounds description and a survey (i.e., drawing) exhibit showing the property for which the CUP is being requested.
- Site Plan drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size height, construction materials, and locations of buildings and the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings and fences; and the relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of two hundred feet (200').
- List of Special Conditions that Applicant agrees apply to property.
- List of all property owners, with mailing addresses located within two hundred feet (200') of any point of the subject property.
- Payment of Application fee \$400.00 (non-refundable)
- Applicant agrees to attend public hearings before the P&Z Commission as well as the City Council concerning this application; or waives his/her right to appear, understanding that if questions are raised that cannot be answered, the matter may be continued, or denied.
- Applicant has checked the subdivision plat notes, deed restrictions, restrictive covenants and/or zoning actions to ensure that there are no restrictions on the subject property and applicant understands that the City zoning action does not relieve any obligation of these restrictions.
- Applicant agrees to provide additional documentation as needed by the City.
- Applicant understands that City review of this Application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided may delay the review of the Application. Applicant, by his/her signature below, certifies that to the best of his/her knowledge said information is complete and correct.
- Applicant hereby authorizes the City representatives to visit and inspect the subject property.

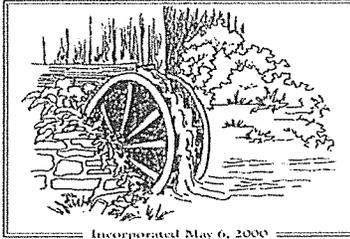
5/9/2016
DATE


APPLICANT SIGNATURE

WHEN APPLICABLE:

Date _____

AGENT SIGNATURE



City of Wimberley

221 Stillwater, P.O. Box 2027, Wimberley, Texas 78676

Phone: (512) 847-0025 - Fax: (512) 847-0422

www.cityofwimberley.com

Mac McCullough, Mayor

Council Members - Bob Dussler, Craig Fore, Sally Trapp, Gary Barchfeld & John D. White

City Administrator - Don Ferguson

May 17, 2016

NOTICE OF PUBLIC HEARING

Re: **File Numbers ZA-16-001 & CUP-16-013**
703 FM 2325, Wimberley, Texas

Dear Property Owner:

You are receiving this letter because you own property within 200 feet of the above-referenced location.

The applicant, J. Steven Weldon, has requested to change the zoning from Commercial – Low Impact (C-1) to Commercial – Moderate Impact (C-2) for property located at 703 FM 2325, Wimberley, Texas, and also has applied for a Conditional Use Permit to allow for a drive-in/drive-through car wash facility on property located at 703 FM 2325, Wimberley, Texas.

The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, June 9, 2016 at 6:00 p.m.** in the Wimberley City Hall, 221 Stillwater. Upon a recommendation from the Commission, City Council will hold a public hearing to consider the same request on **Thursday, June 16, 2016, at 6:00 p.m.** in the Wimberley City Hall.

Because the granting of this request may affect your property, you are encouraged to participate in the zoning process. The public will be given an opportunity to speak during the hearing. If you wish to comment but are unable to attend, written comments may be submitted to the City Administrator prior to the meeting.

Additional information regarding the proposed zoning is available for public review at City Hall during normal business hours. Should you have questions, please contact the City Administrator at 512-847-0025.

CITY OF WIMBERLEY

Wimberley Lions Club
P.O. Box 1749
Wimberley, TX 78676

Tony & Helen Saucedo
402 High Mesa Dr.
Wimberley, TX 78676

Casbar Properties LLC
300 Cypress Creek Ln.
Wimberley, TX 78676

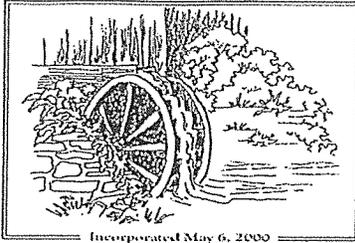
Bernice Domsch
c/o David Domsch
P.O. Box 165
Poteet, TX 78065-0165

CUP-16-013 drive in thru car wash
24-16-001 C1 to C2

**NOTICE OF PUBLIC HEARING
(Conditional Use Permit)**

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on **Thursday, June 9, 2016 at 6:00 p.m.** to consider the following: CUP-16-013 – an application for a Conditional Use Permit (CUP) to allow for a drive-in/drive-through car wash facility on property zoned Commercial Low-Impact (C-1) located at 703 FM 2325, in Wimberley, Hays County, Texas. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on **Thursday, June 16, 2016, at 6:00 p.m.** at City Hall. Comments on this request from any member of the public may be presented in person or by mail (P.O. Box 2027) at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas.

Case ZA-16-001 is for rezoning from C-1 to C-2 and set for same public hearing dates



City of Wimberley

221 Stillwater, P.O. Box 2027, Wimberley, Texas, 78676

Phone: (512) 847-0025 - Fax: (512) 847-0422

E-mail: village@wimberley-tx.com - Web: www.cityofwimberley.com

NOTICE BY SIGN POSTING

Zoning No: CVP-16-013

Owner _____

Date 5/17/16

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

() Project Site Address 703 RM-2325

which is located on RM-2325

Bill Bowers

Asst. Public Works

Note: The above-referenced sign was placed on the subject property on

5/17, 2016


Signature

ORDINANCE NO. 2016-_____

AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY TEXAN CAR WASH, LLC TO ALLOW FOR THE OPERATION OF A DRIVE IN/DRIVE-THROUGH CAR WASH FACILITY ON PROPERTY LOCATED AT 703 FM 2325, WIMBERLEY, HAYS COUNTY, TEXAS, ZONED COMMERCIAL-MODERATE IMPACT (C-2), AND IMPOSING CERTAIN CONDITIONS; AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS

WHEREAS, an application for a Conditional Use Permit has been filed by Texan Car Wash, LLC (“Applicant”) requesting authorization for the operation of drive-in/drive-through car wash facility on real property, described as ABS 365 Benjamin Page Survey, .051 acres/22,216 square feet, zoned Commercial-Moderate Impact; and

WHEREAS, the operation of a drive-in/drive-through car wash facility is an authorized use in areas zoned Commercial-Moderate Impact (C-2) upon the approval of a Conditional Use Permit; and

WHEREAS, after conducting a public hearing on the matter, the Planning and Zoning Commission recommended approval of the CUP application; and

WHEREAS, Applicant has submitted a Conditional Use Permit Application and site plan, attached hereto as Exhibits “A” and “B”, respectively, and incorporated herein, and other necessary information, and has complied with the requirements of the Wimberley Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission and City Council have conducted Public Hearings on the Application for a Conditional Use Permit wherein public comment was received and considered on the Application; and

WHEREAS, the City Council finds that the use of the subject property as a drive-in/drive-through coffee shop, subject to the conditions imposed by this Ordinance, is an appropriate use for the property and is a compatible use with the surrounding properties and neighborhoods.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WIMBERLEY, TEXAS:

ARTICLE I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Wimberley and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

ARTICLE II. APPROVAL - TERMS AND CONDITIONS

The CITY COUNCIL HEREBY GRANTS the Application for a Conditional Use Permit submitted by Texan Car Wash, LLC (“Applicant”) to allow for the operation of a drive-in/drive-through car wash facility on real property, described as ABS 365 Benjamin Page Survey 0.51 acres/22,216 square feet, as more particularly described by survey in Exhibit “C”, attached and incorporated by reference, zoned Commercial-Moderate Impact (C-2), Wimberley, Hays County, Texas.

ARTICLE III. ZONING DISTRICT MAP

The official Zoning District Map shall be revised to reflect the Conditional Use Permit established by this Ordinance.

ARTICLE IV. REPEALER

All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only to the extent of any such conflict.

ARTICLE V. SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

ARTICLE VI. EFFECTIVE DATE

This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

ARTICLE VII. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said

meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code, and the Standard Zoning Enabling Act, Chapter 211 of the Texas Local Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED by the Wimberley City Council on the 16th day of June, 2016 by a vote of ____ (Ayes) and ____ (Nays).

WIMBERLEY, TEXAS

By: _____
Herschel "Mac" McCullough, Mayor

ATTEST:

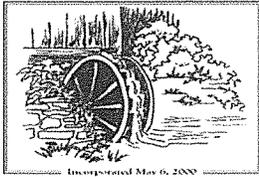
Cara McPartland, City Secretary

(SEAL)

APPROVED AS TO FORM:

Catherine B. Fryer, City Attorney

City Council Agenda Form



Date Submitted: June 9, 2016

Agenda Date Requested: June 16, 2016

Project/Proposal Title: CONSIDER ACTION REGARDING THE PROPOSED *CITY OF WIMBERLEY FISCAL YEAR 2017 BUDGET PREPARATION CALENDAR*

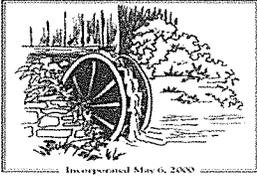
Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to discuss and consider approving the *City of Wimberley Fiscal Year 2017 Budget Preparation Calendar*. The proposed calendar will be presented under separate cover in advance of the meeting for review and consideration.

City Council Agenda Form



Date Submitted: June 9, 2016

Agenda Date Requested: June 16, 2016

Project/Proposal Title: CONSIDER ACTION REGARDING THE PROPOSED DEVELOPMENT OF REGULATIONS RELATING TO THE OPERATION OF GOLF CARTS AND NEIGHBORHOOD ELECTRIC VEHICLES ON CITY STREETS

Commission Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda by Place Three Council Member Sally Trapp to allow the City Council to discuss and consider possible action regarding the proposed development of regulations relating to the operation of golf carts and neighborhood electric vehicles (the "NEV") on city streets.

A golf cart is a motor vehicle designed by the manufacturer primarily for transporting persons on a golf course. It must have a minimum of four wheels and has an attainable top speed not greater than 25 miles per hour on a paved, level surface and is in compliance with federal motor vehicle safety standards for low-speed vehicles.

A NEV is a vehicle that can attain a maximum speed of 35 miles per hour on a paved, level surface.

Currently, State law allows for the limited operation of golf carts and NEVs on public roadways and authorizes cities to further regulate the operation of such vehicles to ensure public safety. Such regulation can include, but is not limited to, prohibiting the operation of such vehicles on certain roadways, requiring additional safety equipment and operator age limits. Attached is a copy of the State Transportation Code regulating golf carts and NEVs.

TRANSPORTATION CODE

TITLE 7. VEHICLES AND TRAFFIC

SUBTITLE C. RULES OF THE ROAD

CHAPTER 551. OPERATION OF BICYCLES, MOPEDS, AND PLAY VEHICLES

SUBCHAPTER A. APPLICATION OF CHAPTER

Sec. 551.001. PERSONS AFFECTED. Except as provided by Subchapter C, this chapter applies only to a person operating a bicycle on:

- (1) a highway; or
- (2) a path set aside for the exclusive operation of bicycles.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2003, 78th Leg., ch. 1318, Sec. 4, eff. Sept. 1, 2003.

Sec. 551.002. MOPED AND ELECTRIC BICYCLE INCLUDED. A provision of this subtitle applicable to a bicycle also applies to:

- (1) a moped, other than a provision that by its nature cannot apply to a moped; and
- (2) an electric bicycle, other than a provision that by its nature cannot apply to an electric bicycle.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 1085, Sec. 9, eff. Sept. 1, 2001.

SUBCHAPTER B. REGULATION OF OPERATION

Sec. 551.101. RIGHTS AND DUTIES. (a) A person operating a bicycle has the rights and duties applicable to a driver operating a vehicle under this subtitle, unless:

- (1) a provision of this chapter alters a right or duty; or
 - (2) a right or duty applicable to a driver operating a vehicle cannot by its nature apply to a person operating a bicycle.
- (b) A parent of a child or a guardian of a ward may not

knowingly permit the child or ward to violate this subtitle.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 551.102. GENERAL OPERATION. (a) A person operating a bicycle shall ride only on or astride a permanent and regular seat attached to the bicycle.

(b) A person may not use a bicycle to carry more persons than the bicycle is designed or equipped to carry.

(c) A person operating a bicycle may not use the bicycle to carry an object that prevents the person from operating the bicycle with at least one hand on the handlebars of the bicycle.

(d) A person operating a bicycle, coaster, sled, or toy vehicle or using roller skates may not attach either the person or the bicycle, coaster, sled, toy vehicle, or roller skates to a streetcar or vehicle on a roadway.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 551.103. OPERATION ON ROADWAY. (a) Except as provided by Subsection (b), a person operating a bicycle on a roadway who is moving slower than the other traffic on the roadway shall ride as near as practicable to the right curb or edge of the roadway, unless:

(1) the person is passing another vehicle moving in the same direction;

(2) the person is preparing to turn left at an intersection or onto a private road or driveway;

(3) a condition on or of the roadway, including a fixed or moving object, parked or moving vehicle, pedestrian, animal, or surface hazard prevents the person from safely riding next to the right curb or edge of the roadway; or

(4) the person is operating a bicycle in an outside lane that is:

(A) less than 14 feet in width and does not have a designated bicycle lane adjacent to that lane; or

(B) too narrow for a bicycle and a motor vehicle to safely travel side by side.

(b) A person operating a bicycle on a one-way roadway with two

or more marked traffic lanes may ride as near as practicable to the left curb or edge of the roadway.

(c) Persons operating bicycles on a roadway may ride two abreast. Persons riding two abreast on a laned roadway shall ride in a single lane. Persons riding two abreast may not impede the normal and reasonable flow of traffic on the roadway. Persons may not ride more than two abreast unless they are riding on a part of a roadway set aside for the exclusive operation of bicycles.

(d) Repealed by Acts 2001, 77th Leg., ch. 1085, Sec. 13, eff. Sept. 1, 2001.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 1085, Sec. 10, 13, eff. Sept. 1, 2001.

Sec. 551.104. SAFETY EQUIPMENT. (a) A person may not operate a bicycle unless the bicycle is equipped with a brake capable of making a braked wheel skid on dry, level, clean pavement.

(b) A person may not operate a bicycle at nighttime unless the bicycle is equipped with:

(1) a lamp on the front of the bicycle that emits a white light visible from a distance of at least 500 feet in front of the bicycle; and

(2) on the rear of the bicycle:

(A) a red reflector that is:

(i) of a type approved by the department; and

(ii) visible when directly in front of lawful upper

beams of motor vehicle headlamps from all distances from 50 to 300 feet to the rear of the bicycle; or

(B) a lamp that emits a red light visible from a distance of 500 feet to the rear of the bicycle.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 1085, Sec. 11, eff. Sept. 1, 2001.

Sec. 551.105. COMPETITIVE RACING. (a) In this section, "bicycle" means a nonmotorized vehicle propelled by human power.

(b) A sponsoring organization may hold a competitive bicycle race on a public road only with the approval of the appropriate local

law enforcement agencies.

(c) The local law enforcement agencies and the sponsoring organization may agree on safety regulations governing the movement of bicycles during a competitive race or during training for a competitive race, including the permission for bicycle operators to ride abreast.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 551.106. REGULATION OF ELECTRIC BICYCLES. (a) The department or a local authority may not prohibit the use of an electric bicycle on a highway that is used primarily by motor vehicles. The department or a local authority may prohibit the use of an electric bicycle on a highway used primarily by pedestrians.

(b) The department shall establish rules for the administration of this section.

Added by Acts 2001, 77th Leg., ch. 1085, Sec. 12, eff. Sept. 1, 2001.

SUBCHAPTER C. ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES

Sec. 551.201. DEFINITION. In this subchapter, "electric personal assistive mobility device" means a two non-tandem wheeled device designed for transporting one person that is:

- (1) self-balancing; and
- (2) propelled by an electric propulsion system with an average power of 750 watts or one horsepower.

Added by Acts 2003, 78th Leg., ch. 1318, Sec. 5, eff. Sept. 1, 2003.

Sec. 551.202. OPERATION ON ROADWAY. (a) A person may operate an electric personal assistive mobility device on a residential street, roadway, or public highway with a speed limit of 30 miles per hour or less only:

- (1) while making a direct crossing of a highway in a marked or unmarked crosswalk;
- (2) where no sidewalk is available; or
- (3) when so directed by a traffic control device or by a law enforcement officer.

(b) A person may operate an electric personal assistive mobility device on a path set aside for the exclusive operation of bicycles.

(c) Any person operating an electric personal assistive mobility device on a residential street, roadway, or public highway shall ride as close as practicable to the right-hand edge.

(d) Except as otherwise provided by this section, provisions of this title applicable to the operation of bicycles apply to the operation of electric personal assistive mobility devices.

Added by Acts 2003, 78th Leg., ch. 1318, Sec. 5, eff. Sept. 1, 2003.

Sec. 551.203. SIDEWALKS. A person may operate an electric personal assistive mobility device on a sidewalk.

Added by Acts 2003, 78th Leg., ch. 1318, Sec. 5, eff. Sept. 1, 2003.

SUBCHAPTER D. NEIGHBORHOOD ELECTRIC VEHICLES

Sec. 551.301. DEFINITION. In this subchapter, "neighborhood electric vehicle" means a vehicle that can attain a maximum speed of 35 miles per hour on a paved level surface and otherwise complies with Federal Motor Vehicle Safety Standard 500 (49 C.F.R. Section 571.500).

Added by Acts 2003, 78th Leg., ch. 1320, Sec. 7, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 1325, Sec. 19.07, eff. Sept. 1, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 281 (H.B. 2702), Sec. 2.86, eff. June 14, 2005.

Acts 2005, 79th Leg., Ch. 1242 (H.B. 1596), Sec. 2, eff. June 18, 2005.

Acts 2009, 81st Leg., R.S., Ch. 722 (S.B. 129), Sec. 1, eff. September 1, 2009.

Reenacted by Acts 2011, 82nd Leg., R.S., Ch. 91 (S.B. 1303), Sec. 24.014, eff. September 1, 2011.

Sec. 551.302. REGISTRATION. The Texas Department of Motor Vehicles may adopt rules relating to the registration and issuance of license plates to neighborhood electric vehicles.

Added by Acts 2003, 78th Leg., ch. 1320, Sec. 7, eff. Sept. 1, 2003.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 933 (H.B. 3097), Sec. 2I.01, eff. September 1, 2009.

Sec. 551.303. OPERATION ON ROADWAYS. (a) A neighborhood electric vehicle may be operated only on a street or highway for which the posted speed limit is 45 miles per hour or less. A neighborhood electric vehicle may cross a road or street at an intersection where the road or street has a posted speed limit of more than 45 miles per hour. A neighborhood electric vehicle may not be operated on a street or highway at a speed that exceeds the lesser of:

- (1) the posted speed limit; or
- (2) 35 miles per hour.

(b) A county or municipality may prohibit the operation of a neighborhood electric vehicle on a street or highway if the governing body of the county or municipality determines that the prohibition is necessary in the interest of safety.

(c) The Texas Department of Transportation may prohibit the operation of a neighborhood electric vehicle on a highway if that department determines that the prohibition is necessary in the interest of safety.

Added by Acts 2003, 78th Leg., ch. 1320, Sec. 7, eff. Sept. 1, 2003.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 722 (S.B. 129), Sec. 2, eff. September 1, 2009.

Sec. 551.304. LIMITED OPERATION. (a) An operator may operate a neighborhood electric vehicle:

- (1) in a master planned community:

(A) that has in place a uniform set of restrictive covenants; and

(B) for which a county or municipality has approved a plat;

- (2) on a public or private beach; or

(3) on a public highway for which the posted speed limit is not more than 35 miles per hour, if the neighborhood electric vehicle

is operated:

(A) during the daytime; and

(B) not more than two miles from the location where the neighborhood electric vehicle is usually parked and for transportation to or from a golf course.

(b) A person is not required to register a neighborhood electric vehicle operated in compliance with this section.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1135 (H.B. 2741), Sec. 94, eff. September 1, 2013.

SUBCHAPTER E. MOTOR-ASSISTED SCOOTERS

Sec. 551.351. DEFINITIONS. In this subchapter:

(1) "Motor-assisted scooter":

(A) means a self-propelled device with:

- (i) at least two wheels in contact with the ground during operation;
- (ii) a braking system capable of stopping the device under typical operating conditions;
- (iii) a gas or electric motor not exceeding 40 cubic centimeters;
- (iv) a deck designed to allow a person to stand or sit while operating the device; and
- (v) the ability to be propelled by human power alone; and

(B) does not include a pocket bike or a minimotorbike.

(2) "Pocket bike or minimotorbike" means a self-propelled vehicle that is equipped with an electric motor or internal combustion engine having a piston displacement of less than 50 cubic centimeters, is designed to propel itself with not more than two wheels in contact with the ground, has a seat or saddle for the use of the operator, is not designed for use on a highway, and is ineligible for a certificate of title under Chapter 501. The term does not include:

(A) a moped or motorcycle;

(B) an electric bicycle or motor-driven cycle, as defined by Section 541.201;

(C) a motorized mobility device, as defined by Section

542.009;

(D) an electric personal assistive mobility device, as defined by Section 551.201; or

(E) a neighborhood electric vehicle, as defined by Section 551.301.

Added by Acts 2005, 79th Leg., Ch. 1242 (H.B. 1596), Sec. 3, eff. June 18, 2005.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 91 (S.B. 1303), Sec. 24.015, eff. September 1, 2011.

Sec. 551.352. OPERATION ON ROADWAYS OR SIDEWALKS. (a) A motor-assisted scooter may be operated only on a street or highway for which the posted speed limit is 35 miles per hour or less. The motor-assisted scooter may cross a road or street at an intersection where the road or street has a posted speed limit of more than 35 miles per hour.

(b) A county or municipality may prohibit the operation of a motor-assisted scooter on a street, highway, or sidewalk if the governing body of the county or municipality determines that the prohibition is necessary in the interest of safety.

(c) The department may prohibit the operation of a motor-assisted scooter on a highway if it determines that the prohibition is necessary in the interest of safety.

(d) A person may operate a motor-assisted scooter on a path set aside for the exclusive operation of bicycles or on a sidewalk. Except as otherwise provided by this section, a provision of this title applicable to the operation of a bicycle applies to the operation of a motor-assisted scooter.

(e) A provision of this title applicable to a motor vehicle does not apply to a motor-assisted scooter.

Added by Acts 2005, 79th Leg., Ch. 1242 (H.B. 1596), Sec. 3, eff. June 18, 2005.

Sec. 551.353. APPLICATION OF SUBCHAPTER TO POCKET BIKE OR MINIMOTORBIKE. This subchapter may not be construed to authorize the

operation of a pocket bike or minimotorbike on any:

- (1) highway, road, or street;
- (2) path set aside for the exclusive operation of bicycles;

or

- (3) sidewalk.

Transferred and redesignated from Transportation Code, Section 551.304 by Acts 2011, 82nd Leg., R.S., Ch. 91 (S.B. 1303), Sec. 27.001(64), eff. September 1, 2011.

SUBCHAPTER F. GOLF CARTS AND UTILITY VEHICLES

Sec. 551.401. DEFINITIONS. In this subchapter:

(1) "Golf cart" and "public highway" have the meanings assigned by Section 502.001.

(2) "Utility vehicle" means a motor vehicle that is not a golf cart or lawn mower and is:

(A) equipped with side-by-side seating for the use of the operator and a passenger;

(B) designed to propel itself with at least four tires in contact with the ground;

(C) designed by the manufacturer for off-highway use only; and

(D) designed by the manufacturer primarily for utility work and not for recreational purposes.

Added by Acts 2009, 81st Leg., R.S., Ch. 1136 (H.B. 2553), Sec. 10, eff. September 1, 2009.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1296 (H.B. 2357), Sec. 239, eff. January 1, 2012.

Sec. 551.402. REGISTRATION NOT AUTHORIZED. (a) The Texas Department of Motor Vehicles may not register a golf cart for operation on a public highway regardless of whether any alteration has been made to the golf cart.

(b) The Texas Department of Motor Vehicles may issue license plates for a golf cart as authorized by Subsection (c).

(c) The Texas Department of Motor Vehicles shall by rule establish a procedure to issue the license plates to be used for operation in accordance with Sections 551.403 and 551.404.

(d) The Texas Department of Motor Vehicles may charge a fee not to exceed \$10 for the cost of the license plate.

Added by Acts 2009, 81st Leg., R.S., Ch. 1136 (H.B. 2553), Sec. 10, eff. September 1, 2009.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 877 (H.B. 719), Sec. 1, eff. June 14, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1135 (H.B. 2741), Sec. 95, eff. September 1, 2013.

Sec. 551.403. LIMITED OPERATION. (a) An operator may operate a golf cart:

(1) in a master planned community:

(A) that has in place a uniform set of restrictive covenants; and

(B) for which a county or municipality has approved a plat;

(2) on a public or private beach; or

(3) on a public highway for which the posted speed limit is not more than 35 miles per hour, if the golf cart is operated:

(A) during the daytime; and

(B) not more than two miles from the location where the golf cart is usually parked and for transportation to or from a golf course.

(b) The Texas Department of Transportation or a county or municipality may prohibit the operation of a golf cart on a public highway if the department or the governing body of the county or municipality determines that the prohibition is necessary in the interest of safety.

Added by Acts 2009, 81st Leg., R.S., Ch. 1136 (H.B. 2553), Sec. 10, eff. September 1, 2009.

Sec. 551.404. OPERATION IN MUNICIPALITIES AND CERTAIN COUNTIES.

(a) In addition to the operation authorized by Section 551.403, the governing body of a municipality may allow an operator to operate a golf cart on all or part of a public highway that:

- (1) is in the corporate boundaries of the municipality; and
- (2) has a posted speed limit of not more than 35 miles per hour.

(a-1) In addition to the operation authorized by Section 551.403, the commissioners court of a county described by Subsection (a-2) may allow an operator to operate a golf cart or utility vehicle on all or part of a public highway that:

- (1) is located in the unincorporated area of the county; and
- (2) has a speed limit of not more than 35 miles per hour.

(a-2) Subsection (a-1) applies only to a county that:

- (1) borders or contains a portion of the Red River;
 - (2) borders or contains a portion of the Guadalupe River and contains a part of a barrier island that borders the Gulf of Mexico;
- or

(3) is adjacent to a county described by Subdivision (2) and:

- (A) has a population of less than 30,000; and
- (B) contains a part of a barrier island that borders the Gulf of Mexico.

(b) A golf cart or utility vehicle operated under this section must have the following equipment:

- (1) headlamps;
- (2) taillamps;
- (3) reflectors;
- (4) parking brake; and
- (5) mirrors.

Added by Acts 2009, 81st Leg., R.S., Ch. 1136 (H.B. 2553), Sec. 10, eff. September 1, 2009.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1296 (H.B. 2357), Sec. 240, eff. January 1, 2012.

Acts 2011, 82nd Leg., R.S., Ch. 1296 (H.B. 2357), Sec. 241, eff. January 1, 2012.

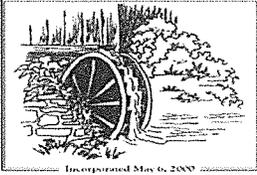
Acts 2013, 83rd Leg., R.S., Ch. 877 (H.B. 719), Sec. 2, eff. June

14, 2013.

Sec. 551.405. CROSSING CERTAIN ROADWAYS. A golf cart may cross intersections, including a road or street that has a posted speed limit of more than 35 miles per hour.

Added by Acts 2009, 81st Leg., R.S., Ch. 1136 (H.B. 2553), Sec. 10, eff. September 1, 2009.

City Council Agenda Form



Date Submitted: June 9, 2016

Agenda Date Requested: June 16, 2016

Project/Proposal Title: CONSIDER ACTION REGARDING A PROPOSAL TO TEMPORARILY LEASE AND OPERATE A RESTROOM TRAILER TO SERVE AS A PUBLIC RESTROOM ON THE WIMBERLEY SQUARE

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda by Mayor Mac McCullough to allow City Council to discuss and consider possible action regarding a proposal to temporarily lease and operate a restroom trailer to serve as a public restroom on the Wimberley Square.

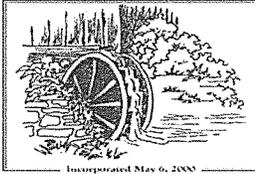
The proposal calls for the leased trailer, which contains two (2) custom restrooms, to be positioned on Oak Drive near the Wimberley Square. The City would fund and maintain the trailer until such time as construction of the central Wimberley wastewater system is complete. Below is a cost breakdown of the proposal:

	<i>Monthly Cost</i>	<i>Annual Cost</i>
Restroom Trailer Lease	\$1,250.00	\$15,000.00
Pumping Cost	\$750.00	\$9000.00
Utilities	\$30.00	\$360.00
Maintenance	\$50.00	\$600.00
Total	\$2,080.00	\$24,960.00

Currently, the City spends \$450 a month or \$5,400 a year for the lease and maintenance of three (3) port-a-cans in the downtown area. If the subject restroom trailer proposal is approved, the portable toilets would no longer be leased and the resulting cost savings could help offset the cost of the temporary trailer.

Should City Council desire to proceed with the proposed restroom trailer proposal, City Council action will be needed to direct City staff to execute the lease and amend the FY 2016 General Fund Budget accordingly to fund the project.

City Council Agenda Form



Date Submitted: June 9, 2016

Agenda Date Requested: June 16, 2016

Project/Proposal Title: CITY COUNCIL REPORTS

Funds Required:

Funds Available:

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow for reports to be presented by the Mayor and members of City Council and for future agenda item requests.